RULES OF COURT PROJECT

Final Report No. 95

October 2008

ALBERTA LAW REFORM INSTITUTE

EDMONTON, ALBERTA

Rules of Court Project

Final Report No. 95

October 2008

ISSN 0317-1604
ISBN 1-896078-43-5

Table of Contents

ABOUT THE ALBERTA LAW REFORM INSTITUTE i
ACKNOWLEDGMENTS iii
SUMMARY v
LIST OF RECOMMENDATIONS vii

REPORT 1
A. The Project Beginning 1
B. Creating Project Objectives 3
C. The Climate for Review 4
D. Background Research 5
E. Preliminary Consultation 6
1. Legal Community 6
2. Public 6
F. Role of the Working Groups 7
G. Drafting Process – Roles and Basic Functions 9
1. The Working Committees 9
2. The Instructing Officers 9
3. The Drafter 9
H. Drafting and Review 10
I. Review by the Rules of Court Committee 11
J. The Finished Product 12
K. Other Related Activity 13
1. Legislative Authority 13
2. Consequential Amendments 13
3. Civil Appeals 13
4. Surrogate Rules 14
5. Family Law 14
6. Criminal Rules 14
L. Conclusion 14

APPENDIX A – COMMITTEES 17
APPENDIX B – RESPONDENTS 21
APPENDIX C – PUBLICATIONS 25
APPENDIX D – INSTRUCTIONS TO WORKING GROUPS 27
APPENDIX E – DRAFTING PROTOCOL 35
APPENDIX F – DRAFT ACT 39
APPENDIX G – TABLE OF RULES 45
APPENDIX H – PROPOSED RULES OF COURT (on CD only)
APPENDIX I – PROPOSED COURT FORMS (on CD only)
APPENDIX J – GUIDE TO THE PROPOSED RULES (on CD only)

(see over for complete list of CD Contents)

CD Contents

Appendix H – Proposed Rules of Court
Appendix I – Proposed Court Forms
Appendix J – Guide to the Proposed Rules
Final Report No. 95
Issues Paper for the Legal Community
Public Consultation Paper and Questionnaire

Consultation Memoranda:

12.1 Commencement of Proceedings in Queen's Bench
12.2 Document Discovery and Examination for Discovery
12.3 Expert Evidence and "Independent" Medical Examinations
12.4 Parties
12.5 Management of Litigation
12.6 Promoting Early Resolution of Disputes by Settlement
12.7 Discovery and Evidence Issues: Commission Evidence, Admissions, Pierringer Agreements and Innovative Procedures
12.8 Pleadings
12.9 Joining Claims and Parties, Including Third Party Claims, Counterclaims, and Representative Actions
12.10 Motions and Orders
12.11 Enforcement of Judgments and Orders
12.12 Summary Disposition of Actions
12.13 Judicial Review
12.14 Miscellaneous Issues
12.15 Non-Disclosure Order Application Procedures in Criminal Cases
12.16 Trial and Evidence Rules – Parts 25 and 26
12.17 Costs and Sanctions
12.18 Self-Represented Litigants
12.19 Charter Applications in Criminal Cases
12.20 Criminal Jury Trials: Challenge for Cause Procedures
12.21 Civil Appeals

ABOUT THE ALBERTA LAW REFORM INSTITUTE

The Alberta Law Reform Institute [ALRI] was established on January 1, 1968, by the Government of Alberta, the University of Alberta and the Law Society of Alberta for the purposes, among others, of conducting legal research and recommending reforms in the law. Funding of ALRI's operations is provided by the Government of Alberta, the University of Alberta, and the Alberta Law Foundation.

The current members of ALRI's Board are The Honourable Justice N.C. Wittmann, ACJ (Chairman); C.G. Amrhein; N.D. Bankes; A.S. de Villars, Q.C.; The Honourable Judge N.A. Flatters; W.H. Hurlburt, Q.C.; H.J.L. Irwin, Q.C.; P.J.M. Lown, Q.C. (Director); The Honourable Justice A.D. Macleod; J.S. Peacock, Q.C.; The Honourable Justice B.L. Rawlins; W.N. Renke; N.D. Steed, Q.C. and D.R. Stollery, Q.C.

ALRI's legal staff consists of P.J.M. Lown, Q.C. (Director); S. Petersson (Research Manager); D.W. Hathaway; C. Hunter Loewen; J.D. Larkam; M.E. Lavelle (on leave); A.L. Lis and G. Tremblay-McCaig. W.H. Hurlburt, Q.C. is an ALRI consultant.

ALRI has offices at the University of Alberta and the University of Calgary. ALRI's mailing address and contact information is:

402 Law Centre
University of Alberta
Edmonton AB T6G 2H5
Phone: (780) 492-5291

Fax: (780) 492-1790
E-mail: *reform@alri.ualberta.ca*

This and other Institute reports are available to view or download at the ALRI website: <*http://www.law.ualberta.ca/alri/*>.

ACKNOWLEDGMENTS

In a project as large as this one, every contribution is crucial. Every element is essential to the completion of the overall project, and we thank each person who has contributed to the project's success, either as a member of a working committee, stakeholder group or as a consultee.

The completion of a large project inevitably falls on the staff of the project manager, namely ALRI. All of the membership of the various groups and committees are set out in Appendix A, but it is appropriate to list those staff members and virtual staff members whose skill and stamina have brought the project to a conclusion (see below). It is also appropriate to acknowledge the leadership of the Chair of the ALRI Board and of the Steering Committee, Associate Chief Justice Neil Wittmann who has kept us all on task to completion, and always sees the bigger picture.

It is also appropriate to single out two people, Bill Hurlburt and David Elliott, who, each in their own way and area, have gone above and beyond the call of duty in their commitment to this project.

Finally, a special mention must be made of ALRI's support staff. The support role and the logistics for such a large project are enormous and they have taken on and carried out this task with dedication and efficiency. The details of meeting organization, document production and handling and report production have been attended to assiduously, and the final product is only achievable because of their work and dedication.

Board

The Hon. Justice Neil C. Wittmann, ACJ (Chair)
Dr. Carl G. Amrhein
Mr. Clark Dalton, Q.C.
Ms. Anne de Villars, Q.C.
Ms. Jeanette W. Fedorak
Mr. Alan D. Fielding, Q.C.
The Hon. Judge Nancy A. Flatters
Ms. Peggy M. Hartman, Q.C.
Dr. Patricia Hughes
Mr. William H. Hurlburt, Q.C.
Mr. H.J. Lyndon Irwin, Q.C.
Mr. Peter J.M. Lown, Q.C.
The Hon. Justice Alan D. Macleod
The Hon. Justice Sheilah L. Martin
Dr. Doug R. Owram
Mr. James S. Peacock, Q.C.
The Hon. Justice Bonnie L. Rawlins
Prof. & Vice-Dean Wayne N. Renke
Mr. Nolan D. Steed, Q.C.
Mr. Doug R. Stollery, Q.C.
The Hon. Justice Keith D. Yamauchi

Lead Counsel

The Hon. Justice June M. Ross
Mr. Peter J.M. Lown, Q.C.
Mr. H.J. Lyndon Irwin, Q.C.
Mr. William H. Hurlburt, Q.C.

Special Counsel

Mr. Tom Archibald
Mr. Bruce Baugh
Mr. (C.R.B.) Dick Dunlop
Mr. David Elliott
Ms. Denise Gagnon
Prof. & Vice-Dean Wayne N. Renke
Ms. Doris I. Wilson, Q.C.

Support Staff

Ms. Carol Burgess
Ms. Ilze Hobin
Ms. Jenny Koziar
Ms. Marlene Welton

Counsel

Ms. Suzanne Condlln
Mr. Witek Gierulski
Ms. Debra Hathaway
Ms. Cheryl Hunter Loewen
Ms. Jamie Dee Larkam
Ms. Maria Lavelle
Ms. Leah Lis
Ms. Cynthia Martens
Ms. Sheryl Pearson
Ms. Sandra Petersson
Ms. Margaret A. Shone, Q.C.
Ms. Hilary Stout
Ms. Geneviève Tremblay-McCaig

Student Research Assistants

Ms. Alicia Backman-Beharry
Ms. Jessica Bortnick
Ms. Shannon Brochu
Dr. Tania Bubela
Mr. Alec Campbell
Ms. Paulette deKelver
Mr. Darryl Douglas
Mr. Jeff Fixsen
Mr. Jason Golbey
Ms. Orrice Harron
Ms. Allyson Jeffs
Ms. Lori Kennedy
Mr. Jeremiah Kowalchuk
Dr. Ryan Krushelnitzky
Ms. Kristen Lewicki
Ms. Raisa MacLeod
Ms. Chelsea McKay
Ms. Jill Miles
Ms. Kelly Nychka
Ms. Kajal Patel
Mr. Simon Rabinovitch
Ms. Caron Rollins
Mr. Weston Rudd
Ms. Lisa Statt
Ms. Erin Viala
Ms. Kathy Wang

SUMMARY

ALRI is very pleased to publish proposals for the revision of the current Alberta Rules of Court. The proposals will bring the Alberta Rules of Court into the modern age of civil rules, civil justice purposes and modern drafting.

The proposed rules are the result of the most comprehensive review of civil procedure by the largest group of participants and volunteers in the most open and consultative manner ever carried out in this Province.

Organization of the Report

This report sets out the process by which ALRI has proposed rules for the revision of the Alberta Rules of Court.

The rules themselves are contained in the accompanying CD which also contains proposed court forms and a guide to the proposed rules.

The appendices contain: list of committees and members, list of respondents to our consultation papers, list of publications, instructions to working committees, drafting protocol, draft Alberta Rules of Court Act, and a table of rules.

All background papers are available and downloadable in PDF format from the ALRI website, <http://www.law.ualberta.ca/alri>.

Overview

There will always be procedural details on which there is a justified and healthy difference of opinion, which provides a basis for ongoing monitoring. That difference of opinion does not detract from the substantial consensus on which these proposals are based, nor from the integrity of a cohesive and integrated code of civil procedure.

The proposed rules represent a marked change and improvement from the format of the current rules. They are written in plain English – they say what they mean, and mean what they say. They are arranged in a logical, chronological order that reflects the progress of a lawsuit – fundamental premises are at the beginning and technical rules at the end. Individual rules are numbered, and rules within each part numbered, for example Part 1, Rule 5 is known as Rule 1.5; Part 5, Rule 27, Sub-rule 1 is known as Rule 5.27(1).

Reviewers have commented that the proposed rules are shorter, clearer, and are expressed in active voice sentences. The headings are informative, visuals and tables illustrate more complex processes, and the organization and layout is clear and intuitive.

The proposed rules include introductions to each part, information notes to assist the reader and cross-references to related topics. In the electronic version, the cross-references are hyper-linked. Defined terms are identified in the text and collected in an easily findable appendix. The proposed rules are printed on 8.5 x 11 page size and include an appropriate balance of text and whitespace. The drafting style and format both have received positive comment in Alberta and internationally.

The regulating power for rule-making is currently spread over a number of statutes and shared by a number of entities. The responsibility for maintenance and revision is not clear, and there is not sufficient resourcing for any body which undertakes that task, nor is there any clear timetable, schedule or process for proposed revisions. A clear and workable legislative framework would address these issues in a direct and effective way.

ALRI recommends to the Minister of Justice that the Lieutenant Governor in Council:

(i) enact the proposed legislative framework for the creation, validation and maintenance of the Rules (see Appendix F).

(ii) enact the proposed rules in their entirety in the format in which they appear on the attached CD.

LIST OF RECOMMENDATIONS

RECOMMENDATION No. 1

Enact the proposed legislative framework for the creation, validation, and maintenance of the Rules.

RECOMMENDATION No. 2

Enact the proposed rules in their entirety and in the format in which they appear on the attached CD.

REPORT

A. The Project Beginning

[1] The Rules of Court Project began as a result of a request to ALRI from the Rules of Court Committee [RCC] to review the Alberta Rules of Court. The RCC is a body constituted under the *Court of Queen's Bench Act* to consider and make recommendations to the Minister of Justice about the Rules of Court.

[2] When ALRI received this request, it was not ALRI's first venture into the subject area of civil procedure or civil justice. ALRI had already issued publications including:

- Validity of the Alberta Rules of Court (1974)
- Resolution of Disputes: Landlord and Tenant (Advisory) Boards (1975)
- Family Law Administration: Court Services (1978)
- Administration of Family Law: The Unified Family Court: Constitutional Opinions (1978)
- Service of Documents During Postal Interruptions (1979)
- Judicial Review of Administrative Action: Application for Judicial Review (1984)
- Proposals for a New Alberta Arbitration Act (1988)
- Report on Referees (1990)
- Dispute Resolution: A Directory of Methods, Projects and Resources (1990)
- Judicial Mini-trial (1993)
- Court-Connected Family Mediation Programs in Canada (1994)
- Revision of the Surrogate Rules (1996)
- Pilot Project on Caseflow Management Procedures (unpublished)
- Class Actions (2000)

[3] It was recognized, however, that a comprehensive review of the Rules of Court would be far greater in scope and challenge than any of the previous projects.

[4] That the Rules of Court were in need of review was not in doubt. The RCC looked to ALRI to take on the project, it being beyond the resources and personnel on the RCC to undertake a task of this size.

[5] The existing rules were enacted in 1968. They were heavily based on previous versions and many rules are directly traceable to 1914. Much has changed since 1968. Alberta has an entirely new court structure. The Court of Queen's Bench, Court of Appeal and the Provincial Court were created after the 1968 rules came into force. New concepts and initiatives have grown up and the volume and culture of litigation have changed immensely over 40 years. In ALRI's view, the project could only be taken on if it was adequately financed, managed and the scope defined.

[6] As a result, a preliminary project proposal was presented to funders and approvals were given. Initial estimates called for a $2.6 million project over several years with the Alberta Law Foundation contributing $950,000, the Department of Justice $500,000, ALRI $1.3 million, and the Law Society of Alberta $25,000. Additional funding was also provided by the Department of Justice for extra components of the project. The Alberta courts, the Law Society of Alberta and some individual law firms also provided funding in kind through access to their videoconferencing facilities.

[7] The project was also designed as a typical law reform project – open, transparent, consultative and inclusive of all interested and willing stakeholders. A number of bodies played an oversight and coordinating role. Coordination among ALRI counsel and special counsel was initially provided by the Director, Peter Lown, and our Lead Counsel, Professor June Ross (as she then was). When Professor Ross was appointed to the Court of Queen's Bench, her role was assumed by three Board members, Bill Hurlburt, Lyndon Irwin and Peter Lown. Later, much of the coordinating role, especially at the drafting and checking stage, was assumed by our Counsel and Research Manager, Sandra Petersson.

[8] The other coordinating role was provided by the Steering Committee and the ALRI Board. Initially, the Steering Committee reviewed all the work of the working committees and, if necessary, joint meetings with the working committees

were held. Before the publication of a consultation memorandum, a joint meeting might review difficult areas of policy or ensure consistency where there was overlap between different working committees. For example, alternative dispute resolution requirements straddled the Early Dispute Resolution Working Committee and the Management of Litigation Working Committee. And the rule setting out when cases should be dismissed for long delay spanned the General Rewrite and Management of Litigation Working Committees. The heavy lifting role moved from the Steering Committee to the Board once the preparation of the composite draft commenced.

B. Creating Project Objectives

[9] Consistent with the practices of a modern comprehensive law reform agency, the objectives of the project were clearly established at the beginning by the Steering Committee. The objectives were:

Objective # 1: Maximize the Rules' Clarity

Results will include:

- simplifying complex language
- revising unclear language
- consolidating repetitive provisions
- removing obsolete or spent provisions
- shortening rules where possible

Objective # 2: Maximize the Rules' Useability

Results will include:

- reorganizing the rules according to conceptual categories within a coherent whole
- restructuring the rules so that it is easier to locate relevant provisions on any given topic

Objective # 3: Maximize the Rules' Effectiveness

Results will include:

- updating the rules to reflect modern practices
- pragmatic reforms to enhance the courts' process of justice delivery

- designing the rules so they facilitate the courts' present and future responsiveness to ongoing technological change, foreseeable systems change and user needs

Objective # 4: Maximize the Rules' Advancement of Justice System Objectives

Results will include:

- pragmatic reforms to advance justice system objectives for civil procedure such as fairness, accessibility, timeliness and cost effectiveness

C. The Climate for Review

[10] What was the climate in which ALRI took on the project? What was the problem to be addressed? In many minds the challenge was clear:

1. The public perception of the court system was that it takes too much time and money and it is too difficult to use the system.

   Our Response: The proposed rules describe a clear, step-by-step process of dispute resolution with progress milestones set by the parties. The goals of the process are to minimize the dollar and time costs and maximize procedural transparency.

2. Users told us: The rules are long, disorganized and not consistently applied or enforced. This confusion impedes access to justice and frustrates efforts to run an efficient, effective justice system.

   Our Response: The proposed rules are short, logical, well arranged and written in plain English. It will now be easy to find and follow the right rules.

3. Users and the public said: The rules are out of date and no longer reflect modern practice.

Our Response: The proposed rules blend core principles of procedural justice with the best contemporary legal and administrative practices into a single, comprehensive and consistent procedural code.

D. Background Research

[11] Rules have traditionally been written in a closed environment, relying primarily on individual expertise and experience. They are often restated rather than rethought. To meet the four objectives required a thorough review and research of civil procedure and civil justice initiatives from around the common law world. In other jurisdictions, review was often mandated by systemic problems. This was not so in Alberta in that the review could take place without the element of crisis management.

[12] The initial research sought to map out developments in civil procedure around the world. What were the rules and state of play in every other jurisdiction in Canada? Why was the Federal Court system so different from the others? What were the recommendations in the United Kingdom where the Wolff report had performed such a comprehensive review? What were the provisions in Australian states and in the United States? What initiatives had been introduced throughout the common-law world? This research would guide the creation of working committees and shape their mandate, guide their objectives and inform the research and issues of more than 20 consultation memoranda. It would allow each working committee to start from an informed background.

[13] Only with the appropriate level of research and analysis could we approach the task of creating a set of rules that are clear, useful and effective tools for accessing a fair, timely and cost efficient civil justice system. This was the goal – a mere restatement or re-wording of existing rules would be inadequate; an audit of the proposed rules by reference only to the old would be entirely inappropriate.

[14] The acid test will be whether the proposed rules meet the fundamental purpose set out in proposed r. 1.2(1):

> The purpose of these Rules is to provide a means by which claims can be fairly and justly resolved in or by a court process in a timely and cost-effective way.

E. Preliminary Consultation

1. Legal Community

[15] Consultation with the legal community commenced in the fall of 2001 with a series of presentations to the bench and bar. The process continued through the winter with law firm meetings in Edmonton and Calgary. An issues paper described the Rules Project, raised a number of issues, and sought input from the legal community.[1] That input, whether in the form of letters, e-mail, or notes from meetings, was categorized and entered into a database. Information from the database was provided to working committees by ALRI counsel. In addition, a summary report was prepared for working committees.[2]

2. Public

[16] Direct consultation with the public was an essential element of project definition. They are the ultimate users of the system and their experience is a valuable component of any revision. Their feedback also allowed us to verify the information received indirectly on their behalf from other users of the system.

[17] A consultation paper and questionnaire for the public was prepared, and made available electronically and in print format.[3] Extensive circulation of the questionnaire was arranged: at courthouse counters, MLA offices, Legal Aid and Law Society offices; by mail to advocacy interest groups with an interest in civil litigation; on the ALRI website; and by publication in *Law Now*.[4] The return rate was sufficient, but disappointing. Ninety-eight questionnaires were received by the cutoff date. A report describing the responses was prepared.[5] Some of the respondents indicated a willingness to participate in focus groups about rules

---

[1] Alberta Law Reform Institute, *Issues Paper for the Legal Community – Alberta Rules of Court Project* (2001), online: <http://www.law.ualberta.ca/alri/docs/arcissue.pdf>.

[2] Alberta Law Reform Institute; *Report on Legal Community Consultation – Alberta Rules of Court Project* (2002), online: <http://www.law.ualberta.ca/alri/docs/db_report.pdf>.

[3] Alberta Law Reform Institute, *Public Consultation Paper and Questionnaire – Alberta Rules of Court Project* (2002), online: <http://www.law.ualberta.ca/alri/docs/Public_Consultation.pdf>.

[4] "Alberta Rules of Court Project" (2002) 26 *Law Now* 20.

[5] Alberta Law Reform Institute, *Public Consultation Report – Alberta Rules of Court Project* (2002), online: <http://www.law.ualberta.ca/alri/docs/Banister2Finalrptl.pdf>.

reform. In the fall of 2002, focus groups were conducted in Edmonton and Calgary. A report on the focus groups was then prepared.[6]

F. Role of the Working Groups

[18] The preliminary research was vital for two reasons – first, to inform a meaningful and rational assignment of responsibilities among the working committees; second, to ensure that each working committee had available to it a complete dossier of information on its subject matter areas. The working committees were created to reflect relatively homogeneous collections of subject matter, rules initiatives and civil justice reforms.

[19] Some topics were quite predictable, such as costs or enforcement of judgments. Others concentrated on topic areas which had been identified as areas of concern, such as discovery or self-represented litigants. Others represented emerging over-arching themes that required broader approaches to the issues.

[20] For example, the Management of Litigation Working Committee examined a number of issues from a "big picture" perspective. That group reviewed existing rules in respect of pretrial conferences, mode of trial, entry for trial and streamlined procedure, practice notes relating to case management, civil juries, setting down for trial and very long trials. Other topics, such as caseflow management, tracking systems, trial standards and topics from recommendations of the Canadian Bar Association Task Force and the Ontario final report were relevant to this area.[7]

[21] Similarly, under the rubric of early dispute resolution, another working committee examined conventional rules relating to compromise using the court process and pretrial conference rules. Added to that list were systems of court connected alternative dispute resolution and judicial dispute resolution.

---

[6] Alberta Law Reform Institute, *Focus Group Edmonton & Calgary Venues Final Report – Rules of Court Project* (2003), online: <http://www.law.ualberta.ca/alri/docs/PublicConsultfinalreport.pdf>.

[7] Canadian Bar Association, Task Force on Systems of Civil Justice, *Report of the Task Force on Systems of Civil Justice* (Ottawa: Canadian Bar Association, 1996); Ontario Civil Justice Review, *Civil Justice Review: Supplemental and Final Report* (Toronto: Ontario Civil Justice Review, 1996).

[22] Any topic not assigned to a topic-specific working committee, fell to the General Rewrite Committee – this group took on a mammoth task and displayed remarkable stamina. Their mandate included: all elements of commencement, parties, pleadings, motions and applications, masters, time, non-compliance, service, summary disposition, exhibits and reciprocal enforcement. Practice notes issued by the Court were also assigned to the General Rewrite Committee, including those about applications without personal appearance, special chambers applications and summary trials.

[23] Each working committee was comprised of a cross-section of members having experience and expertise in the subject matter. The members were drawn from across the province. Usually, the committee was chaired by one or more of the judges sitting on the committee. Each committee was supported by ALRI counsel and co-counsel. Counsel took the responsibility for preparing background research material and writing issues documents. Core support staff members handled all the logistics necessary for working committee meetings, minutes and the follow-up. Counsel also played three other pivotal roles – first, to translate the working committee discussion and recommendations into a comprehensive consultation memorandum; second, to handle and analyze all feedback on the consultation memorandum and assist the working committee in coming to final policy positions; and finally, to convert the final policy positions into drafting instructions for the project drafter.

[24] In all, the working committees have produced 21 consultation memoranda on discrete topics, as listed in Appendix C, which should provide a rich research base for any future studies.

[25] The purpose of the working committees was to establish drafting instructions based on a clearly articulated and informed policy base. General consultation preceded the work of the working committees.

[26] Working committees were encouraged, even strongly advised, to avoid developing policy by drafts. The intention was to keep the discussion as open as possible to all views and input. Each working committee was provided with a recommended workplan which covered the following elements: review of mandate

and project objectives; identification of issues and research plan; initial research and policy formulation; detailed research and policy formulation; issue of consultative document; review of feedback, further research and refinement of issues.

[27] After all this work, basic policy was set. One of the major reasons for confining working committee activity to policy was to allow the development of a policy position in the most direct and efficient way and to provide a solid policy base from which drafting was to proceed. The policy and drafting functions are quite distinct and the project would mix them at its peril. That also explains why the various functions were clearly described in the initial documents provided to each working committee.

G. Drafting Process – Roles and Basic Functions

1. The Working Committees

[28] Each working committee of the Rules Project was responsible for formulating the policy recommendations for its area. Once those policy recommendations were approved by the Steering Committee and ALRI Board, drafting instructions were given to the drafter by the working committee's instructing officer.

2. The Instructing Officers

[29] Each working committee had one ALRI counsel who acted as the instructing officer for that committee. The instructing officer's functions were:

- to instruct the drafter on the policy decisions made by the committee
- to review the initial drafts produced by the drafter
- to liaise between the drafter and the committee on all matters

3. The Drafter

[30] The drafter's functions were:

- to receive the drafting instructions from the instructing officers
- to prepare the draft legislation

[31] It was not the drafter's role to formulate policy. The drafter's area of expertise was how to write legislation. Therefore, on substantive issues of policy,

the working committees' decisions and instructions prevailed. On stylistic issues of legislative drafting, the drafter's opinion prevailed.

H. Drafting and Review

[32] The link between policy and drafting is a key and often underappreciated role. Preparation of drafting instructions commenced with a narrative of four elements:

- the nature of the policy decisions
- the purpose of the policy decisions
- the desired results that the policy decisions should produce
- the details of how the policy should work in practice

[33] The instructing officer on our project then played the liaison role between the drafter and the working committee.

[34] Once the drafting instructions were approved by the working committee, the focus shifted to the drafter and Drafting Committee, unless the drafting process revealed policy areas on which the instructions were silent or incomplete. In that case, the working committee was reconvened to deal with those issues.

[35] A further reason for reconvening the working committee stemmed from the necessity to combine the instructions from 11 working committees into one composite draft. Despite the best efforts of the Steering Committee and ALRI Board to ensure consistency between the working committees, it was inevitable that the composite draft would reveal areas where the drafting instructions were either inconsistent or problematic. Those issues were dealt with on a graduated scale – could instructing counsel clarify the intent; could the ALRI Board or Steering Committee easily resolve the matter; could the working committee be asked to clarify, with or without further research.

[36] It was also inevitable that some issues would have to be left until late in the day for final determination, mainly because of their interdependence with other areas (e.g., a number of forms, the details of the timelines in Part 4 and the list of definitions in the Appendix).

[37] ALRI was fortunate to engage the services of an extremely capable drafter, David Elliott. His previous experience in large challenging projects like this one and his thorough knowledge of modern drafting techniques and styles has added immeasurably to the finished product. So too has his ability to respond to the comments and reviews of the Drafting Committee consisting of Bill Hurlburt, Lyndon Irwin, Peter Lown and Sandra Petersson. The drafting process consumed seven versions and four composite versions.

[38] Test Draft 3 was distributed to all working committees and to the profession as a whole in March of 2007. It remained open for feedback and comment until spring 2008, and was the subject of a number of presentations and descriptions to the profession:

- Canadian Bar Association – 5 section presentations and a panel at the 2008 Alberta Law Conference
- University of Alberta, Faculty of Law – presentation to the Civil Procedure class in April 2007
- Alberta Civil Trial Lawyers' Association – a teleconference in June 2007 and presentations in Calgary and Edmonton in March 2008
- Canadian Centre for Professional Legal Education/Legal Education Society of Alberta – presentation in February 2008

[39] Since March 2007, the draft has been subjected to significant review by the Steering Committee, ALRI Board, Drafting Committee and other stakeholders such as court clerks. All of that feedback has been integrated into the draft and significant improvements have been made. Throughout that time, ongoing discussions with the RCC took place and amendments to the draft were made as a result.

I. Review by the Rules of Court Committee

[40] Rules of Court are passed by Order-in-Council. Under s. 25 of the *Court of Queen's Bench Act*, the RCC may make recommendations respecting the rules. Given the mandate of the RCC, ALRI provided draft versions of the proposed rules to RCC for review. The process commenced in early 2006 and has progressed until June 2008.

[41] The review has been detailed and voluminous. The RCC researcher has had access to all ALRI material and has sat in on drafting meetings. After exchanges of correspondence and discussions, RCC produced a series of lists of issues, varying in importance from "monitor" to "cannot recommend". The latter became the focus of significant further research and review by the ALRI Board, Steering Committee, and Drafting Committee.

[42] In early May 2008, ALRI provided a draft document responding to and accommodating all but a few of the suggestions and issues raised by RCC. There are a few issues where ALRI considered that further change would not be consistent with either the project objectives or the overall spirit and tenor of the proposed rules. In ALRI's opinion the two remaining issues should be reduced to "will monitor" status. Those issues concern master's appeals and review of retainer agreements.

J. The Finished Product

[43] The purpose of the project was to produce clearer, more useable and effective rules. Those results can be seen in summary form in the Guide to the Proposed Rules found on the attached CD.

[44] Meeting those objectives meant that consultation activities took place at every stage of the project. In the first phase, ideas from over 40 open meetings with legal committees, two public forums, and the more than 800 responses to a rule reform paper were used to set the project's scope and process.

[45] In the rule development stage, the knowledge and experience of the legal community powered the rule creation effort. More than 85 members of Alberta's bench and bar generously gave over 30,000 hours of time and talent in the 11 working committees to produce 21 consultation memoranda and consider approximately 300 sets of response comments. These consultations resulted in 9 draft rule documents, including the publicly released Test Draft 3 version, and 25 sets of comments on Test Draft 3.

[46] The final stage of the project included more than a dozen detailed discussions with the RCC, as well as voluminous correspondence, over a period of

20 months. This extensive process, supported by thousands of hours of legal research, has shaped the rules into an efficient, modern, comprehensive procedural code that reflects the best of Alberta's civil litigation practices and traditions.

[47] ALRI confidently asserts that the proposed rules meet the project objectives that ALRI set out to achieve and recommends their adoption. Once adopted, they should be monitored and adjusted as necessary. Their content is clear and their organization logical. When viewed as operating principles for the conduct of a court system for the resolution of disputes, they represent a fair, modern and clear system and will stand the test of time.

K. Other Related Activity

1. Legislative Authority

[48] ALRI has also proposed a legislative framework for the promulgation of the proposed rules (see Appendix F). The framework is clear and direct legislation authorising the creation of rules of civil procedure and validating any necessary overlap into substantive law. The authority and responsibility for the rules is clearly assigned and resourced. The framework will establish a clear basis for the enactment, implementation and ongoing maintenance of the rules. It is formatted as amending legislation that would consolidate provisions governing the creation of rules within the *Judicature Act*.

2. Consequential Amendments

[49] A large number of consequential legislative amendments will be necessary as a result of the adoption of the proposed rules. A report to the Department of Justice will identify all of the necessary changes, propose a composite protocol for dealing with them, and propose detailed changes where the protocol is inappropriate.

3. Civil Appeals

[50] The processing of feedback on the consultation memorandum on appeals rules and the settling of final policy was completed in late spring of 2008. The consultative feedback included the comments of a specific committee of the Court of Appeal established for the purpose of providing input on ALRI's consultation

memorandum. ALRI will complete its proposed draft of rules for the Court of Appeal towards the end of 2008.

4. Surrogate Rules

[51] The current Surrogate Rules will be added after minor changes for timing and nomenclature.

5. Family Law

[52] The Department of Justice will develop any necessary special provisions to apply to the practice of family law and to complement the *Family Law Act*.

6. Criminal Rules

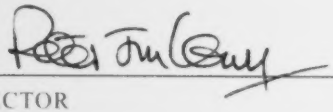
[53] Criminal rules follow an entirely different process for enactment, requiring federal approval and regulation. As such, our working committee's proposals, for selected areas, will follow that process.

L. Conclusion

[54] This concludes one of ALRI's largest, most complex projects. Each person who has contributed should take pride in the overall product. We now look forward to the educational phase and the implementation of the proposed rules.

HON. N.C. WITTMANN, ACJ, Chairman
C.G. AMRHEIN
N.D. BANKES
A.S. de VILLARS, Q.C.
HON. N.A. FLATTERS
W.H. HURLBURT, Q.C.
H.J.L. IRWIN, Q.C.
P.J.M. LOWN, Q.C., Director
HON. A.D. MACLEOD
J.S. PEACOCK, Q.C.
HON. B.L. RAWLINS
W.N. RENKE
N.D. STEED, Q.C.
D.R. STOLLERY, Q.C.

CHAIRMAN



DIRECTOR

APPENDIX A – COMMITTEES

Rules of Court Project Steering Committee

The Hon. Justice Neil C. Wittmann, ACJ (Chair)
The Hon. Judge Allan A. Fradsham
Mr. Peter J.M. Lown, Q.C.
The Hon. Justice Alan D. Macleod
The Hon. Justice June M. Ross
The Hon. Justice Joanne B. Veit
The Hon. Judge Geoff Ho (*observer*)
The Hon. Justice Eric F. Macklin
Mr. Robert Maybank, Q.C. (*observer*)
Ms. Phyllis A. Smith, Q.C.

Alberta Law Reform Institute Board

The Hon. Justice Neil C. Wittmann, ACJ (Chair)
Dr. Carl G. Amrhein
Ms. Anne de Villars, Q.C.
Mr. Alan D. Fielding, Q.C.
Ms. Peggy M. Hartman, Q.C.
Mr. William H. Hurlburt, Q.C.
Mr. Peter J.M. Lown Q.C.
The Hon. Justice Sheilah L. Martin
Mr. James S. Peacock, Q.C.
Professor and Vice-Dean Wayne N. Renke
Mr. Doug R. Stollery, Q.C.
Mr. Clark Dalton, Q.C.
Ms. Jeanette W. Fedorak
The Hon. Judge Nancy A. Flatters
Dr. Patricia Hughes
Mr. H.J. Lyndon Irwin, Q.C.
The Hon. Justice Alan D. Macleod
Dr. Doug R. Owram
The Hon. Justice Bonnie L. Rawlins
Mr. Nolan D. Steed, Q.C.
The Hon. Justice Keith D. Yamauchi

PROJECT COMMITTEES:

Appeals

The Hon. Justice Carole M. Conrad
Ms. Ritu Khullar
Mr. Havelock B. Madill, Q.C.
Ms. Sandra Petersson
Mr. H. Martin Kay, Q.C.
Mr. Peter J.M. Lown, Q.C.
The Hon. Justice Sheilah L. Martin

Costs

The Hon. Justice Myra B. Bielby
Mr. James A.B. Christensen
The Hon. Judge Heather A. Lamoureux
Ms. Cynthia L. Martens
Mr. James F. McGinnis
The Hon. Justice Patricia A. Rowbotham
Mr. Gary W. Wanless
Prof. Barbara A. Billingsley
Mr. William H. Hurlburt, Q.C.
Mr. Peter J.M. Lown,Q.C.
Ms. Virginia M. May, Q.C.
Ms. Sheryl Pearson
Ms. Hilary L. Stout
Ms. Doris I. Wilson, Q.C.

Criminal Rules

The Hon. Judge Michael G. Allen
The Hon. Justice Ronald L. Berger
The Hon. Justice Elizabeth A. Hughes
Ms. Sandra Petersson
Mr. Peter J. Royal, Q.C.
The Hon. Judge Donna R. Valgardson
The Hon. Judge John D. Bascom
Mr. Josh Hawkes, Q.C.
Mr. H.J. Lyndon Irwin, Q.C.
Prof. and Vice-Dean Wayne N. Renke
Ms. Laura K. Stevens, Q.C.

Discovery and Evidence

The Hon. Justice Scott Brooker
Mr. Alan D. Hunter, Q.C.
Ms. Beverly Jean Larbalestier, Q.C.
Ms. Cynthia L. Martens
The Hon. Justice Keith G. Ritter
Ms. Doris I. Wilson, Q.C.
The Hon. Justice Robert A. Graesser
Mr. William H. Hurlburt, Q.C.
Prof. Christopher Levy
Mr. Douglas A. McGillivray, Q.C.
Ms. Hilary L. Stout

Drafting

Mr. David C. Elliott
Mr. H.J. Lyndon Irwin, Q.C.
Ms. Sandra Petersson
Mr. William H. Hurlburt, Q.C
Mr. Peter J.M. Lown, Q.C.

Enforcement of Judgments

The Hon. Justice John A. Agrios
Mr. C.R.B. (Dick) Dunlop
Ms. Debra Hathaway
Master Keith R. Laycock
Mr. Calvin C. Robb
The Hon. Justice Barbara E.C. Romaine
Mr. Françoise H. Belzil
Mr. Max Gold
Mr. H.J. Lyndon Irwin, Q.C.
Ms. Cynthia L. Martens
Ms. Susan L. Robinson Burns, Q.C.
Mr. Raymond (Bud) W. Steen

Foreclosure

Mr. H.J. Lyndon Irwin, Q.C.
Mr. Francis C.R. Price, Q.C.

Forms

Ms. Anne de Villars, Q.C
Mr. Dan T. Gallagher, Q.C.
Mr. Paul Wood
Mr. David C. Elliott
Mr. Peter J.M. Lown, Q.C.

General Rewrite

The Hon. Justice Brian R. Burrows
Mr. Alan D. Fielding, Q.C.
Ms. Debra Hathaway
The Hon. Justice Eric F. Macklin
The Hon. Justice Terrence F. McMahon
The Hon. Justice June M. Ross
Mr. James T. Eamon
The Hon. Judge Allan A. Fradsham
Mr. William H. Hurlburt, Q.C.
The Hon. Justice Alan D. Macleod
Ms. Sheryl Pearson
Mr. Wayne Samis

Judicial Review

Mr. Tom Archibald
Mr. Tim Hurlburt, Q.C.
Mr. David N. Jardine
Ms. Peggy Kobly
Prof. Alastair R. Lucas, Q.C
Ms. Margaret A. Shone, Q.C.
The Hon. Justice Gerard C. Hawco
Mr. H.J. Lyndon Irwin, Q.C.
Mr. David P. Jones, Q.C.
Ms. Jo-Ann R. Kolmes
Mr. Thomas W.R. Ross
The Hon. Justice Frans F. Slatter

Management of Litigation

Mr. Kenneth F. Bailey, Q.C.
Mr. Anthony L. Friend, Q.C.
The Hon. Justice C. Adele Kent
Ms. Cynthia L. Martens
The Hon. Justice Doreen A. Sulyma
Mr. P. Jonathan Faulds, Q.C.
The Hon. Judge Elizabeth A. Johnson
Mr. Peter J.M. Lown, Q.C.
Mr. Gerald F. Scott, Q.C.
Ms. Doris I. Wilson, Q.C.

Promoting Early Resolution of Disputes

Mr. Patrick M. Bishop
The Hon. Judge Nancy A. Flatters
Mr. J. Royal Nickerson, Q.C.
The Hon. Justice Bonnie L. Rawlins
Ms. Karen M. Trace
Ms. Camilla Witt, Q.C.
The Hon. Justice Peter T. Costigan
Mr. William H. Hurlburt, Q.C.
Ms. Sandra Petersson
Ms. Margaret A. Shone, Q.C.
Mr. Kenneth J. Warren, Q.C.

APPENDIX B – RESPONDENTS

We also thank everyone who took the time and effort to comment on our many consultation memoranda and issues papers, as well as Test Draft 3 of the proposed rules. Your comments provided extremely important information for the project.

The Hon. Justice John A. Agrios
Ms. Camille Audain
Mr. Michael J. Bailey
Ms. Elaine Balestra
Ms. Françoise H. Belzil
The Hon. Justice Myra B. Bielby
Mr. Douglas A. Bodner
Ms. Lyn Bromilow
The Hon. Justice Brian R. Burrows
Mr. Robert W. Calvert Q.C.
Mr. James A. Christensen
Mr. William E. Code Q.C.
The Hon. Justice Peter T. Costigan
The Hon. Judge S. R. Creagh
Mr. Ronald G. Cummings Q.C.
Mr. Robert M. Curtis Q.C.
Ms. Kathleen Dimsdale
Mr. Michael G. Doerksen
Mr. William A. Dushenski
Mr. Ron J. Everard Q.C.
Mr. Martin Felsky
Ms. J. Kate Foster

Mr. Mark C. Freeman
Mr. Rick Garvin
Mr. Richard J. Gilborn Q.C.
Ms. Linnea C. Goodhand
Mr. Gregory J. Alexander
Mr. Larry D. Ayers
Mr. Sarbjit S. Bains
Mr. Andrew M. Beal
The Hon. Justice R. Paul Belzil
Professor Barbara A. Billingsley
Mr. Douglas J. Boyer
Ms. Cara L. Brown
Ms. Shannon C. Butcher
Mr. Joseph A. Caruk
The Hon. Justice C. Philip Clarke
Mr. Brian W. Conway
The Hon. Justice Jean E.L. Côté
The Hon. Justice Michelle Crighton
Mr. Sean Curran
Ms. Jeanette Dechant
Mr. Leonard M. Dolgoy Q.C.
Mr. C.R.B. (Dick) Dunlop
Mr. Murray L. Engelking
Mr. Colin C.J. Feasby
Mr. Brian Foster
Chief Justice of Alberta Catherine A. Fraser
Mr. Anthony L. Friend Q.C.
The Hon. Justice Adam W. Germain
Mr. Max Gold
Mr. Timothy C. Hagg

Mr. Robert J. Hall Q.C.
Mr. Harris Hanson
Mr. Glen M. Hickerson
Ms. Jocelyn L. Hill
The Hon. Judge Geoff Ho
Mr. Patrick Horner
Mr. Alan D. Hunter Q.C.
Mr. William H. Hurlburt Q.C.
The Hon. Justice Gerald O. Jewers
Ms. C. Anne Kaplan
Mr. Bryan J. Kickham
Mr. Stephen Kit
Mr. John P. Kudrinko
Ms. Beverley Larbalestier Q.C.
Mr. Robert P. Lee
Mr. Philip G. Lister Q.C.
Mr. Wayne R. Lovatt
Ms. Diana J. Lowe Q.C.
Ms. Shelley J. MacDonald
The Hon. Justice Eric F. Macklin
Mr. James I. MacSween Q.C.
Mr. Richard J. Mallett
Mr. Michael A. Marion
Mr. Douglas H. McCallum
Mr. Shawn W. McLeod
Ms. Linda McKay-Panos
Ms. Averie McNary
Mr. Ken B. Mills
Mr. John Garry Moore Q.C.
Ms. Anita M. Myers
Ms. Colleen Nicholls
Mr. Robert T. O'Neill
Mr. Murray K. Olsen
Mr. Alan Pearse
Mr. Brent L. Handel
Mr. Martin J. Hattersley Q.C.
Mr. Richard C. Hilborn Q.C.
Mr. Leroy N. Hiller
The Hon. Judge John D. Holmes
Mr. David A. Huculak
Mr. Tim Hurlburt Q.C.
Mr. Carsten Jensen Q.C.
Mr. David P. Jones Q.C.
The Hon. Justice C. Adele Kent
Mr. Philip G. Kirman
Mr. Walter W. Kubitz
The Hon. Judge Hugh F. Landerkin
Master Keith R. Laycock
Mr. Ken H. Lewis Q.C.
Mrs. Michael A. Loberg
Mr. Richard A. Low
The Hon. Justice Arthur M. Lutz
Mr. Perry R. Mack Q.C.
Mr. Cameron D. MacLennan
The Hon. Justice Brian E. Mahoney
Mr. Lenard G.L. Mar
Ms. Gillian D. Marriott
Mr. K. Mark McCourt
The Hon. Justice Terrence F. McMahon
Mr. Bob McNally
Mr. Peter Michalyshyn
The Hon. Justice Andrea Moen
Ms. Christine Mowat
The Hon. Justice Rosemary E. Nation
Mr. J. Royal Nickerson Q.C.
Professor Shannon K. O'Byrne
The Hon. Justice Vital O. Ouellette
Mr. Constantine Pefanis

Mr. Daniel D. Peterson Q.C.
Mr. Robert S. Pollick
Mr. F. Murray Pritchard
Mr. Michael J. Pucylo
Mr. Robert Reynolds
Mr. Andrew R. Robertson
The Hon. Justice John D. Rooke
Mr. Leslie S. Scholly
Mr. Gerald F. Scott Q.C.
Mr. Steven L. Shavers
Mr. Gregory P. Shewchuk
Mr. Robert M. Simpson
Mr. C. Michael Smith
Mr. Grant D. Sprague
Mr. Craig R. Steele
Ms. Laura K. Stevens Q.C.
Ms. L. Deborah Sword
Mr. Jeffrey N. Thom Q.C.
The Hon. Justice Marguerite J. Trussler
Ms. Margaret Unsworth Q.C.
The Hon. Justice Joanne B. Veit
Mr. Aran Veylan
Ms. Kim D. Wakefield Q.C.
The Hon. Justice Jack Watson
Ms. Analea Wayne
Mr. Philip N. Williams
Mr. Eric D. Young Q.C.

Mr. John P. Poirier
Mr. Howard K. Poon
Mr. John T. Prowse Q.C.
Mr. Greg D. Reid
Mr. Calvin C. Robb
Mr. James A. Robertson
Mr. Wayne Samis
Mr. W. Scott Schlosser
Mr. Mohan Sharma
Mr. Sabri M. Shawa
Mr. Dave R. Shynkar Q.C.
The Hon. Justice Frans F. Slatter
Mr. Howie Sniderman
Mr. Grant N. Stapon
Mr. Raymond (Bud) W. Steen
Mr. Brian S. Sussman Q.C.
Mr. E. David D. Tavender Q.C.
Ms. Karen M. Trace
Ms. Susan E.A. Trylinski

Mr. J. Todd Van Vliet
The Hon. Justice Gerald Verville
Chief Justice Allan H.J. Wachowich
Mr. Lewis Wasel
Mr. G. Scott Watson
Mr. Neil S. Wiberg
Mr. Arthur A.E. Wilson Q.C.
Mr. Barry Zalmanowitz Q.C.

APPENDIX C – PUBLICATIONS

CONSULTATION MEMORANDA

12.1 Commencement of Proceedings in Queen's Bench (October 2002)

12.2 Document Discovery and Examination for Discovery (October 2002)

12.3 Expert Evidence and "Independent" Medical Examinations (February 2003)

12.4 Parties (March 2003)

12.5 Management of Litigation (March 2003)

12.6 Promoting Early Resolution of Disputes by Settlement (July 2003)

12.7 Discovery and Evidence Issues: Commission Evidence, Admissions, Pierringer Agreements and Innovative Procedures (July 2003)

12.8 Pleadings (October 2003)

12.9 Joining Claims and Parties, Including Third Party Claims, Counterclaims, and Representative Actions (February 2004)

12.10 Motions and Orders (July 2004)

12.11 Enforcement of Judgments and Orders (August 2004)

12.12 Summary Disposition of Actions (August 2004)

12.13 Judicial Review (August 2004)

12.14 Miscellaneous Issues (October 2004)

12.15 Non-Disclosure Order Application Procedures in Criminal Cases (November 2004)

12.16 Trial and Evidence Rules – Parts 25 and 26 (November 2004)

12.17 Costs and Sanctions (February 2005)

12.18 Self-Represented Litigants (March 2005)

12.19 Charter Applications in Criminal Cases (June 2006)

12.20 Criminal Jury Trials: Challenge for Cause Procedures (April 2007)

12.21 Civil Appeals (April 2007)

OTHER REPORTS AVAILABLE ON OUR WEBSITE

Issues Paper for the Legal Community (October 2001)

Public Consultation Paper and Questionnaire (January 2002)

Public Consultation Report (September 2002)

Report on Legal Community Consultation (September 2002)

Family Law Issues Paper (October 2002)

Judicial Review and Administrative Law – Identified Issues (March 2003)

Focus Group Report (April 2003)

Interim Report (March 2004)

Non-Disclosure Order Application Procedures in Criminal Cases – Report on Consultation Memorandum 12.15 (September 2005)

Charter Applications in Criminal Cases – Report on Consultation Memorandum 12.19 (February 2007)

APPENDIX D – INSTRUCTIONS TO WORKING GROUPS

(Excerpt from instructions to all Working Committees.)

Project Objectives

While they are subject to an ongoing process of amendment, the Rules have not been comprehensively revised since 1968. There is a need for rewriting that has arisen over the course of this lengthy period. Further, since 1968, and particularly in the last decade, concerns have been raised as to the timeliness, affordability and understandability of civil court proceedings. Reforms have been adopted to address these issues, some as amendments to the Rules, others by other means.

The Alberta situation is best understood if looked at in the larger context of rules revision and civil justice reform. ALRI research commenced by identifying projects in other jurisdictions involving rules or civil justice reform and gathering information about the content of and process employed in those projects. The information gathered is summarized in the Reference Binder: Rules Reform - Other Jurisdictions, copies of which will be provided to all Working Committee members.

The binder contains information on the state of rules revision in other Canadian jurisdictions (summary at Tab 1.2, details at Tabs 2.1 through 2.13). A comprehensive revision was completed in British Columbia in 1977 and in Ontario in 1985. The most recent comprehensive revision was to the Federal Court rules in 1998.

In recent years there have been a number of civil justice reform projects, also reviewed in the binder: Ontario's *Civil Justice Review: First Report 1995* and *Supplemental and Final Report, 1996* (Tab 2.9); Lord Woolf's report on the English system: *Access to Justice: Interim Report, 1995* and *Final Report, 1996* (Tab 4.1); the Law Reform Commission of Western Australia, *Review of the Criminal and Civil Justice System, 1999* (Tab 5.7); and the Australian Law Reform Commission, *Managing Justice: A review of the federal civil justice system, 2000* (Tab 5.2). Reference may also be had to the Canadian Bar Association's *Report of the Task Force on Systems of Civil Justice, 1996*. These are civil justice reform projects, and do not necessarily include comprehensive Rules revision.

The reform projects focus on the issues of delay, cost and lack of public understanding of civil justice systems, with the attendant issues of inaccessibility and mistrust of the systems. The proposals designed to address these problems

include the promotion of early settlement, notably through the incorporation of ADR techniques, employment of different "tracks" for litigation together with caseflow management, and judicial case management of complex cases. They therefore tend to focus on certain aspects of procedure and the Rules of Court that are identified with the issues of cost and delay (notably discovery and expert evidence) and on those associated with proposed resolutions to these problems. These same reform areas are reflected in recent Alberta rules changes (e.g., changes to discovery rules and Streamlined Procedure) and practice notes.

The Steering Committee has approved Project Objectives that address both the need for rewriting of the Rules and reform issues. The objectives of maximizing the Rules' clarity and useability, and to some extent the objective of maximizing the Rules' effectiveness, are goals associated with the "rewriting" of Rules. Such objectives formed a significant part of the impetus for this project. Our consultations with the bar to date support the view that these are essential and central, although not exclusive, goals. Objective #4, maximizing the Rules' advancement of justice system objectives, as well as some aspects of objective #3, maximizing the Rules' effectiveness, relate more to "reforming," or at least "rethinking" the Rules. These goals are consistent with the recent civil justice reform studies. Consultations with the legal community to date indicate acceptance that these goals as well, with their focus on promoting access to justice, are appropriately included in the Rules Project.

Objectives of the Rules of Court

In addition to Project Objectives, the Steering Committee has approved on a working basis the inclusion of an interpretive or purpose provision in the new Rules to the same effect as provisions now found in most Canadian rules.

Ontario Rule 1.04(1) provides, under the heading "general interpretation principle":

> These rules shall be liberally construed to secure the just, most expeditious and least expensive determination of every civil proceeding on its merits.

(See also Manitoba Rule 1.04(1), New Brunswick Rules 1.03(2) and Prince Edward Island Rules 1.04(1)).

British Columbia Rule 1(5) provides:

> The object of these rules is to secure the just, speedy and inexpensive determination of every proceeding.

(See also Northwest Territories Rule 3 and Nova Scotia Rule 1.03).

Rule 3 of the Federal Court Rules provides:

> These Rules shall be interpreted and applied so as to secure the just, most expeditious and least expensive determination of every proceeding on its merits.

Alberta, Saskatchewan and Newfoundland do not have such a provision.

The effect of the Ontario rule is summarized in Holmested and Watson, Ontario Civil Procedure, p. 1-25 as follows: "it embodies the philosophy of modern procedure that procedure is not an end in itself but merely a means of obtaining a just disposition on the merits, speedily, expeditiously and least expensively."

The principle is not new and it is not thought that its adoption would cause a significant change in practice. Stevenson & Côté, Civil Procedure Guide 1996, at 3-5, cite case law adopting similar interpretive principles, such as, that the rules are "servants," not "masters," are not "an end in themselves," and "should serve to secure justice between the parties." But an express statement of this type would bring Alberta Rules into line with most other Canadian rules, and would create a lasting connection between important Project Objectives and the Rules. Therefore the Steering Committee has approved the inclusion of a similar clause in the new Rules. The precise language of the provision will be addressed at a later date.

Such a clause can serve as a guide, not only to the eventual interpretation and application of the Rules, but also to the adoption of changes to the Rules. Justice J. W. Morden, commenting on the Ontario rule in the context of the 1985 revision of the Ontario Rules of Court indicated that this principle underlay changes to the Ontario Rules which "compromise[d] between, on the one hand, providing effective mechanisms for ascertaining the truth and, on the other, not making litigation too cumbersome or expensive" ("An Overview of the Rules of Civil Procedure," in Materials for a 1984 Continuing Legal Education Program on Ontario's "New Rules of Civil Procedure").

Drafting Guidelines

In an effort to secure similar approaches to the process of redrafting by the various committees that will be involved in the Rules Project, the Steering Committee has adopted a set of Guidelines for Redrafting and Guidelines on the Drafting Process. These guidelines go some way towards operationalizing the project's "rewrite" objectives of maximizing the clarity and useability of the Rules. They also emphasize the importance, at the initial stages of the project, of making policy decisions rather than draft rules. Finally, they indicate the contexts in which

it is very important that working committees liaise with each other and with the Steering Committee.

Project Organization

The Steering Committee has adopted a structure that reflects the "rewriting" and "reforming" or "rethinking" objectives, and that makes provision for the inclusion of persons with a diversity of experience and perspectives. Further, as a comprehensive review of the Rules includes a number of highly specialized topics, the structure includes committees, to be composed of persons with relevant experience, to review the Rules in these areas. [Each committee was given a mandate.] Many of the committees will become active at a later stage in the project. In January 2002, the first four Working Committees were created.

Reform topics have been separated from the overall revision of the Rules of Court. The "Rethink" Committees will address those areas in which reform issues have been at the forefront. Where reforms have already been adopted, these will be reviewed and evaluated. Reforms not yet adopted in Alberta can also be considered for inclusion in the Rules.

The General Rewrite Committee will deal with topics in which, it is thought, the primary focus will be rewriting. The inclusion of a topic in the rewrite category **does not** preclude review of policy and practice issues related to that topic, it simply indicates an educated guess as to the likely need for a substantial rethinking of policy and practice issues. The General Rewrite Committee also ensures that there will be a comprehensive review of the Rules, as it will have the responsibility of dealing with all Rules not assigned to a specialized committee.

Consultation Process

1. Consultation with the Legal Community

Consultation with the legal community commenced in the fall of 2001, with a series of presentations to the bench and bar. The process continued through the winter with law firm meetings in Edmonton and Calgary. An Issues Paper for the Legal Community described the Rules Project, raised a number of issues, and sought input. That input, whether in the form of letters, e-mail, or notes from meetings, was categorized and entered into a database. Information from the database is provided to working committees by ALRI counsel. In addition, a summary Report on the Legal Community Consultation has been prepared.

2. Consultation with the Public

Consultation with the public employed a model similar to that employed by the Alberta Government for the Unified Family Court Task Force.

A "Public Consultation Paper and Questionnaire" was prepared, and made available electronically and in print format. Extensive circulation of the questionnaire was arranged: at courthouse counters, MLA offices, Legal Aid and Law Society offices; by mail to advocacy interest groups with an interest in civil litigation; on the ALRI website; and by publication in *Law Now*. However, the return rate was disappointing. 98 questionnaires were received by the cutoff date of June 30, 2002. A Public Consultation Report has been prepared.

Workplan for Working Committees

1. Organizational Meeting

At its first meeting, each working committee should address the following matters:

1. Review the committee's mandate and then organize the mandate into topics. Develop a working understanding of the mandate and topics.
2. Review the various instructions provided by the Steering Committee identified above (Project Objectives, Objectives of the Rules of Court, Drafting Guidelines, Instruction on the Drafting Process).
3. Develop a preliminary agenda, including the priority for dealing with particular topics. In developing its agenda, the Committee should have regard to the process for developing policy recommendations and to the goals respecting timelines, both of which are described below.

2. Process for Developing Policy Recommendations

The major goal for Working Committees is the development of policy recommendations regarding each of the topics included in their mandates. These policy recommendations are to be written up in the form of Consultation Memoranda and distributed to the bar and bench for feedback. The committees will subsequently review the feedback, and approve drafting instructions and draft rules.

ALRI proposes a process in the following stages to develop policy recommendations. The process assigns research and writing tasks to counsel (who may be one or more members of the committee), with other committee members

involved in defining issues, assigning and reviewing research and making policy recommendations.

Stage 1: Identification of Issues and Research Plan

Counsel will start the process of identifying issues by providing a preliminary issues memorandum and background materials including a review of relevant Alberta Rules and comparable rules from other jurisdictions. The Committee will review this information and develop an issues list. The Committee will also construct a research plan for the issues, identifying issues requiring research, suggesting sources to be consulted, and assigning research tasks and priorities to counsel.

Stage 2: Initial Research and Policy Formulation

The Committee will review the initial research and discuss policy. The Committee will set policy on each identified issue, where this is possible. If the Committee considers that it is not in a position to make policy recommendations, it will plan and assign further detailed research or consultations.

Stage 3: Detailed Research and Policy Formulation

The Committee will review further research or consultations. It will review and approve policies set at Stage 2. It will, to the extent possible, adopt policy recommendations for all remaining issues. If the Committee feels that it still lacks sufficient information or is unable to agree on a policy recommendation at this stage, it should attempt to formulate possible alternative policies. The Committee will then instruct counsel regarding the drafting of a Consultation Memorandum, which will set out identified issues, provide policy recommendations (where possible) or alternatives (where the Committee has been unable to make a recommendation), and provide sufficient background to justify the policy recommendations or explain policy alternatives.

Subsequent Stages

The Committee will approve the Consultation Memorandum before it is circulated to the profession. The Committee will also develop a plan to review any feedback, finalize policy recommendations and approve drafting instructions and draft rules. ALRI will assist the Committees in developing these plans at the appropriate time.

3. Goals for Timelines

In developing its agenda and setting priorities for particular topics, Committees should have regard to the following goals:

1. The overall goal of the Rules Project is to complete a set of recommended new rules in 2004.
2. In order to allow time for circulation and feedback on consultation themes, followed by adequate time for review of feedback and preparation of draft rules, Consultation Memos should be completed within a maximum period of one year.

4. Reporting and Liaising

Working Committees report to the Steering Committee by means of minutes that provide a brief summary of committee discussions and that identify decisions taken and work assigned. The Steering Committee may provide directions or suggestions to working committees, or request that two or more working committees liaise in order to: resolve conflicts in the recommendations made by different committees, ensure proper coverage of all topics included within the Rules Project while avoiding overlap, and promote the achievement of Rules Project objectives.

APPENDIX E – DRAFTING PROTOCOL

GUIDELINES ON THE DRAFTING PROCESS

WHY ARE GUIDELINES NEEDED?

Drafting legislation is an extremely time- and labour-intensive process. It takes much more work than people generally anticipate. These guidelines outline standard drafting procedures that promote the best use of the drafter's time so that the drafter can produce the legislation as quickly and efficiently as possible. This is crucial in order to meet the timetable of the Rules Project. These drafting procedures are based on the use of clearly defined roles and functions.

THE ROLES AND BASIC FUNCTIONS

The Working Committees

Each Working Committee of the Rules Project is responsible for formulating the policy recommendations for its area. Once those policy recommendations are approved by the Steering Committee and ALRI Board, drafting instructions will be given to the drafter by the Working Committee's instructing officer.

There is no point in trying to prematurely instruct the drafter before the basic policy is set. Multiple changes of mind by the instructing body seriously waste the drafter's time.

The Instructing Officers

Each Working Committee will have one ALRI counsel who will act as the instructing officer for that committee. The instructing officer's functions are:

- to instruct the drafter on the policy decisions made by the committee
- to review the initial drafts produced by the drafter
- to liaise between the drafter and the committee on all matters

The Drafter

The drafter's functions are:

- to receive the drafting instructions from the instructing officers
- to prepare the draft legislation

It is not the drafter's role to formulate policy. On substantive issues of policy, the Working Committees' decisions and instructions should prevail. The drafter's area of expertise is how to write legislation. On stylistic issues of legislative drafting, the drafter's opinion should prevail.

THE DRAFTING PROCESS

How are drafting instructions formulated and given to the drafter?

The drafter is unlikely to attend any Working Committee's or other body's policy discussions because that is a poor use of the drafter's time. It is not the drafter's function to help formulate policy. Nor is it the drafter's function to discern the drafting instructions simply by being present at the policy discussions. That is an extremely inefficient way to give instructions. The drafter typically does not get involved in the process until formal drafting instructions are given by the instructing officer.

When the Working Committee's policy recommendations have been worked out and approved by the Steering Committee and ALRI Board, the instructing officer will prepare a written memorandum in narrative form to instruct the drafter concerning:

- the nature of the policy decisions
- the purpose of the policy decisions
- the desired results that the policy decisions should produce
- the details of how the policy should work in practice

Obviously the instructing officer must be sure to know and thoroughly understand the proposed policy in all its details in order to instruct the drafter effectively.

Neither the Working Committee nor the instructing officer should attempt to give instructions by writing a "first draft" of the legislation because, rather than helping, this in fact tremendously slows down the whole process. Trying to write the initial draft of legislation "by committee" causes people to get endlessly, time-consumingly mired in issues of language and style. They can also quickly get "married" to unfortunate terminology or poorly-worded draft provisions, which can jeopardize the drafter's ultimate ability to do the job well. It is much better and much faster simply to rely on the drafter's specialized expertise in writing legislation and let the drafter produce the first draft (and, of course, all subsequent drafts).

The liaison function of the instructing officer

The drafter will probably rarely, if ever, deal with any Working Committee itself. All decisions, instructions and comments from members of a Working Committee or other body should be channelled to the drafter through that committee's instructing officer. In order to produce draft legislation efficiently, the drafter needs to deal with as few people as possible. If the drafter is expected to take instructions from and respond to too many people, the process will become chaotic and impossible to manage.

It is the instructing officers who will deal with their Working Committees. If the drafter needs clarification or has questions or comments that require committee input, the instructing officer gets the necessary information from the committee and conveys it to the drafter. If the drafter needs research performed or precedents provided, the instructing officer arranges for it and conveys it to the drafter.

Reviewing the drafts

There will be multiple drafts of each area of the Rules before a final draft is achieved. Probably around 5 or 6 drafts will be required, on average. To make the most efficient use of the Working Committee's time and energy, the early drafts should be reviewed by the instructing officer alone. The instructing officer can work directly with the drafter to identify and resolve any obvious initial problems with the draft. Once a reasonably polished later draft is available (probably around draft # 4), the instructing officer should provide it to the Working Committee for its members' comments and input.

Each draft must be carefully reviewed to ensure that it accurately reflects the policy decisions made for each area. Does each provision, as drafted, achieve the legal and practical effect that it is supposed to? Often the drafter will put in written questions pointing out problems, gaps, unforeseen consequences or asking for further directions. These questions are much more common in the initial drafts, of course. Some of the questions may require the instructing officer to seek further policy decisions from the Working Committee in order to instruct the drafter.

One of the most important things about reviewing drafts is the necessity for quick turnover. Because multiple drafts are required, time is of the absolute essence so that the final draft can be ready on schedule. When drafts arrive, the instructing officer needs to give them top priority. When the later drafts are given to the Working Committee, its response also needs to be prompt.

There are several ways to communicate to the drafter the results of the instructing officer's review. The drafter should be consulted about which method the drafter prefers, because some methods involve greater use of the drafter's time than others. Methods of communication can include:

- returning a copy of the draft with comments written on it in the margins
- written memorandum detailing the review's results
- meeting with the drafter to orally discuss the review's results
- telephoning the drafter to orally discuss the review's results (this is usually feasible only for the later drafts where comments are fewer)

When the Working Committee first reviews the later draft, the drafter may or may not attend the meeting to discuss or explain the draft. Again, it will depend

on the drafter's availability and preference. If the drafter does not attend, it is the function of the instructing officer to note all comments, questions and concerns and convey them to the drafter.

APPENDIX F – DRAFT ACT

JUDICATURE (ALBERTA RULES OF COURT) AMENDMENT ACT, 2009

Introductory explanatory note: This proposed amending Act would

- enact the new *Alberta Rules of Court*
- provide for future amendments to the new rules by incorporating in the *Judicature Act* what is currently section 20 of the *Court of Queen's Bench Act* and section 16 of the *Court of Appeal Act*
- exempt the new rules from the *Regulations Act*, so permitting the improved format and style of the new rules to be retained in the official version
- state some specific responsibilities of the Rules of Court Committee with respect to the rules including authority to publish the rules and maintain an up-to-date consolidation of the new rules in electronic and looseleaf form.

JUDICATURE (ALBERTA RULES OF COURT) AMENDMENT ACT

1 The *Judicature Act* is amended by this Act.

2 Section 1 is amended by adding the following definitions:

> ***Alberta Rules of Court*** means the *Alberta Rules of Court* enacted by section 22.1, as amended from time to time under this Act or by or under any other enactment of Alberta or Canada.

Explanatory note: This definition would require consequential amendments to sections 3(b), 7 and 62(2) of the *Judicature Act* to change the references "*Rules of Court*" to "*Alberta Rules of Court*". Section 62(2) could be included in proposed new section 22.2(1). Section 63 would not apply to the new rules and so does not require amendment.

3 The following is added after Part 2:

Part 2.01
Alberta Rules of Court

Enactment of the *Alberta Rules of Court*

22.1 The Alberta Rules of Court published in Part 1 of the Alberta Gazette dated [200] are enacted.

Explanatory note: This section proposes that the new *Alberta Rules of Court* be enacted by this section after publication of the rules in Part 1 of the Alberta Gazette. This suggestion recognizes both the importance of the new rules as being worthy of enactment by the Legislature and ensures the validity of the new rules, avoiding the necessity of a validating section for the new rules like section 63 of the *Judicature Act*. Subsequent changes to the new rules would be made under proposed section 22.2.

Changes to the *Alberta Rules of Court*

22.2(1) The Lieutenant Governor in Council may make regulations respecting

(a) the practice and procedure in the court by adding to, repealing or amending the *Alberta Rules of Court*;

(b) judicial review in civil matters;

(c) the duties of officers of the court;

(d) costs in matters before the court;

(e) the fees to be collected by officers of the court;

(f) the rates of fees and expenses payable to persons under the *Alberta Rules of Court*.

(2) The rules made by the Lieutenant Governor in Council under subsection (1) in relation to the practice and procedure in the court may, subject to subsection (3), alter or conform to the substantive law.

(3) Subsection (2) does not authorize the making of rules that conflict with an Act of the Legislature or of the Parliament of Canada, or regulations made under those Acts, but the rules may supplement the provisions of an Act or regulation in respect of practice and procedure.

(4) Regulations made under this section must be published in Part 1 of the Alberta Gazette and come into force on publication or on a date or dates prescribed by the published regulation.

(5) The *Regulations Act* does not apply to regulations made under this section.

Explanatory note: This section, except for subsections (4) and (5) is a virtual copy of section 16 of the *Court of Queen's Bench Act* incorporating section 16 of the *Court of Appeal Act*. Reference to surrogate rules is omitted as necessary, the authority to make rules respecting surrogate matters being covered by subsection (1)(a), (c), (d) and (f).

Rules of Court Committee

22.3(1) The Rules of Court Committee previously established under the *Court of Queen's Bench Act* is continued consisting of the following members:

(a) the Chief Justice of Alberta or a judge of the Court of Appeal designated by the Chief Justice;

(b) the Chief Justice of the Court of Queen's Bench or a judge of the Court of Queen's Bench designated by the Chief Justice;

(c) the chief judge of The Provincial Court of Alberta or a judge of the Provincial Court designated by the chief judge;

(d) 2 persons who are members of the Law Society of Alberta appointed by the Minister from among those recommended by the Benchers of the Law Society of Alberta;

(e) one person appointed by the Minister of Justice and Attorney General.

(2) The Committee must elect one of its members as chair.

(3) The Committee must meet as occasion requires to consider the *Alberta Rules of Court* and changes to them and may make recommendations respecting those rules of court to the Minister.

(4) The members of the Committee must serve without remuneration, but the Minister may pay the reasonable travel and living expenses incurred by the members in the performance of their duties under this section.

(5) The Minister of Justice and Attorney General must provide to the Committee

(a) those secretarial and other services that the Minister considers appropriate, and

(b) resources or services required by the Committee to fulfill its responsibilities under this section, section 22.4, and the *Alberta Rules of Court*.

Explanatory note: Clause (b) is new. The rest of this section is virtually a copy of s. 25 of the *Court of Queen's Bench Act*.

Responsibilities of the Rules of Court Committee

22.4 The Rules of Court Committee is responsible for

(a) recommending new rules, amendments to rules or the repeal of rules in the *Alberta Rules of Court*;

(b) publishing amendments to the *Alberta Rules of Court* in Part 1 of the Alberta Gazette as required under section 22.2(4);

(c) maintaining an up-to-date consolidated version of the *Alberta Rules of Court* in looseleaf and in electronic form.

Explanatory note: This section is intended in part to replace the *Regulations Act* in terms of responsibility for publication of amendments to the *Alberta Rules of Court* and in part to describe the responsibility of the RCC with respect to the rules.

Consequential amendments

4(1) Section 16 of the *Court of Appeal Act* is repealed.

(2) The *Court of Queen's Bench Act* is amended

(a) by repealing section 20;

(b) in section 24(1)(a)(i) by striking out "made under this Act" and substituting "made under the *Judicature Act*";

(c) by repealing section 25.

Notes: 1 There may need to be a transitional section to continue the appointments and designations under proposed section 22.3 and to deal with judicial districts.

2 It may be desirable to add regulation-making authority to amend regulations under any Act

- to deal with transitional or consequential issues arising as a result of the new rules
- to ensure consistency in terminology between regulations and the new rules (e.g. changing references from "motion" to "application").

3 It may be desirable to consolidate section 55 and section 62 with proposed Part 2.01 [*Alberta Rules of Court*].

Repeal of former Rules of Court

5 The *Alberta Rules of Court*, Alberta Regulation A.R. 390/68, is repealed.

Note: The wording of this section is dependent on whether all existing rules can be repealed. Note also the following coming into force provision and the coming into force provision of the rules themselves in Part 14 – a choice of approach is needed.

Coming into force

6 This Act comes into force on a date to be fixed by Proclamation.

APPENDIX G – TABLE OF RULES

The following table tracks key ideas from the old rules to the proposed rules. However, it should not be viewed as a "concordance" as it is not possible to create a true concordance where entirely new legislation is enacted.

TABLE OF RULES

OLD RULE			PROPOSED RULE				
Number		Title	Part	Div	Number		Title
1		Citation	No Rule				N/A
2		Coming into force	14		14.8		Repeal
2		Coming into force	14		14.9		Coming into force
3		Application of rules	3	1	3.1		Rules govern court actions
4		Regulation by analogy	1	3	1.7	(2)	Interpreting the rules
4		Regulation by analogy	3	1	3.1		Rules govern court actions
5		Definitions	12	6	12.40		Court officers
5	(1)(c)	clerk	Appendix		Definitions		court clerk
5	(1)(e)	court	Appendix		Definitions		court
5	(1)(g.1)	double registered mail	Appendix		Definitions		recorded mail
5	(1)(h.1)	judicial centre	Appendix		Definitions		judicial centre
5	(1)(i.1)	official court reporter	Appendix		Definitions		court reporter
5	(1)(j)	order	Appendix		Definitions		order
5	(1)(m)	pleadings	Appendix		Definitions		pleading
5	(1)(q)	rules	Appendix		Definitions		rules
5	(1)(s.1)	taxing officer	Appendix		Definitions		assessment officer
5.01		Determination of distances	No Rule				N/A
5.1		Signature and printed name	No Rule				N/A
5.11		Copies of computer generated documents	No Rule				N/A
5.12		Formal parts of pleadings	12	4	12.13		Requirements for all filed documents
5.13		Original retained by clerk	No Rule				N/A
5.2		Representation by solicitor	No Rule				N/A
5.3		Self-representation	2	3	2.22		Self-represented litigants
5.4		Representation by agent	2	3	2.23		Assistance before the court
6		Statement of claim	3	1	3.2		How to start an action
6		Statement of claim	3	1	3.2	(2)(a)	How to start an action
6	(3)	Petition	3	1	3.2	(2)	How to start an action
6	(3)	Petition	3	1	3.5		Transfer of an action

OLD RULE			PROPOSED RULE			
Number		Title	Part	Div	Number	Title
6.1		Where to commence action	3	1	3.3	Determining the appropriate judicial centre
6.1	(3)	Where to commence action	3	1	3.5	Transfer of an action
6.1	(4), (5)	Where to commence action	1	2	1.5	Rule contravention and non-compliance and irregularities
7		Issue by clerk	12	4	12.15	When a document is filed
7		Issue by clerk	12	4	12.17	When a commencement document is issued
7		Issue by clerk	12	6	12.44	Seal
7		Issue by clerk	Appendix Definitions			file
8		Endorsements	12	4	12.13	Requirements for all filed documents
8		Endorsements	12	4	12.14	Endorsements on documents
9		Lost documents	12	4	12.28	Lost documents
10		Concurrent document	12	4	12.29	Concurrent document
11		Renewal of statement of claim	3	3	3.26	Time for service of statement of claim
11		Renewal of statement of claim	3	3	3.28	Effect of not serving a statement of claim in time
11	(8)	Renewal of statement of claim	3	3	3.29	Notice of extension of time to be served
11	(9), (10)	Renewal of statement of claim	3	3	3.27	Extension of time for service
12		Transfer of proceedings	3	1	3.5	Transfer of an action
13		Manner of service	11	2	11.2	Methods of service in Alberta
14		Personal	11	2	11.3	Service on individuals
14		Personal	11	2	11.4	Service on trustees and personal representatives
14		Personal	11	2	11.5	Service on litigation representatives
15		On individual or corporation	11	2	11.3	Service on individuals

OLD RULE			PROPOSED RULE			
Number		Title	Part	Div	Number	Title
15		On individual or corporation	11	2	11.4	Service on trustees and personal representatives
15		On individual or corporation	11	2	11.5	Service on litigation representatives
15		On individual or corporation	11	2	11.12	Service on statutory and other entities
15	(1)	On individual or corporation	11	2	11.10	Service on individuals using another name
15	(2)	On individual or corporation	11	2	11.7	Service on corporations
15	(2)	On individual or corporation	11	2	11.11	Service on a corporation using another name
15	(3)	On individual or corporation	11	2	11.8	Service on limited partnerships
15	(3)	On individual or corporation	11	2	11.9	Service on partnerships other than limited partnerships
16		Solicitor's undertaking	11	2	11.15	Service on lawyer of record
16.1		Service by telecopier	11	3	11.19	Service by an electronic method
17		Infant	11	2	11.5	Service on litigation representatives
18		Parent or guardian	11	2	11.5	Service on litigation representatives
19		Person of unsound mind	11	2	11.5	Service on litigation representatives
20		Agent within jurisdiction	11	2	11.17	Service on business representatives of absent parties
21		Agreement between parties	11	2	11.17	Service on business representatives of absent parties
21		Agreement between parties	11	3	11.21	Agreement between parties
22		Registered mail	11	2	11.3	Service on individuals
22		Registered mail	11	2	11.4	Service on trustees and personal representatives
22		Registered mail	11	2	11.5	Service on litigation representatives
22		Registered mail	11	3	11.20	Recorded mail service

OLD RULE			PROPOSED RULE				
Number		Title	Part	Div	Number		Title
23		Substitutional service	11	6	11.27		Substitutional service
23	(1)(b)	Substitutional service	11	6	11.28		Dispensing with service
23	(5)	Substitutional service	11	2	11.6		Missing persons
24		Address for service	11	3	11.19		Service by an electronic method
25		Proof upon solicitor	11	2	11.14		Service on a lawyer
25		Proof upon solicitor	11	2	11.15		Service on lawyer of record
26		Subsequent documents	11	2	11.15		Service on lawyer of record
26		Subsequent documents	11	3	11.18		Service of documents, other than commencement documents, in Alberta
26		Subsequent documents	11	3	11.19		Service by an electronic method
27		Set aside service	3	3	3.30		Defendant's options
27		Set aside service	11	6	11.30		Setting aside service
28		Office closed or service frustrated	No Rule				N/A
29		Judgment creditor in mortgage action	No Rule				N/A
30		By order	11	5	11.24		Real and substantial connection
31		Affidavit	11	5	11.24		Real and substantial connection
31.1		Service abroad	11	5	11.25		Methods of service outside Alberta
32		Uniting causes of action	3	6	3.69	(1)	Joining claims
32		Uniting causes of action	3	6	3.72		Consolidation or separation of claims and actions
33		Bankruptcy	3	6	3.69	(2)	Joining claims
34		Husband or wife	3	6	3.69	(2)	Joining claims
35		Executor	3	6	3.69	(2)	Joining claims
36		Same transaction	3	6	3.70		Parties joining to bring an action
37		Misjoinder causes of action	3	6	3.71		Separating claims
38	(1)	Misjoinder of parties	3	6	3.73		Incorrect parties are not fatal to actions

OLD RULE			PROPOSED RULE			
Number		Title	Part	Div	Number	Title
38	(2)-(7)	Misjoinder of parties	3	6	3.74	Adding, removing or substituting parties after pleading close
38	(2)-(7)	Misjoinder of parties	3	6	3.75	Adding, removing or substituting parties to an originating application
39		Adding defendant	3	6	3.76	Action to be taken when defendant or respondent added
40		Want of parties	3	6	3.73	Incorrect parties are not fatal to actions
40		Want of parties	3	6	3.74	Adding, removing or substituting parties after pleading close
40		Want of parties	3	6	3.75	Adding, removing or substituting parties to an originating application
41.1		Definition	No Rule			N/A
41.2		Style of cause	12	3	12.11	Pleadings: specific requirements for class proceedings
41.3		Amendment of pleadings	2	1	2.7	Amendments to pleadings in class proceedings
41.4		Discovery of class and subclass members	2	1	2.8	Questioning of class and subclass members
41.5		Streamlined procedure inapplicable	No Rule			N/A
41.6		Procedures	2	1	2.9	Class proceedings practice and procedure
42		Common interest	2	1	2.6	Representative actions
43		Trustees	2	1	2.1	Actions by or against personal representatives and trustees
44		Judgment for execution of trust, etc.	2	1	2.1	Actions by or against personal representatives and trustees

OLD RULE			PROPOSED RULE				
Number		Title	Part	Div	Number		Title
45		Against beneficiary	9	2	9.11		Judgment against beneficiaries
46		Joinder of defendants	3	6	3.70		Parties joining to bring an action
46		Joinder of defendants	3	6	3.71		Separating claims
47		Defendant having no interest	3	6	3.69	(3)	Joining claims
48		Joint and several liability June, 2002	3	6	3.70		Parties joining to bring an action
49		Surety	3	6	3.70		Parties joining to bring an action
50	(1), (2)	Deceased person	2	2	2.11	(e)	Persons who must have a litigation representative
50	(3)	Deceased person	2	2	2.20		Money received by a litigation representative
51		Appointment of representative	2	2	2.16		Court-appointed litigation representatives in limited cases
52		Adjudicate when persons not joined	No Rule				N/A
53		Approval of compromise when parties not joined	2	2	2.18		Approval of compromises
54		Action continues when cause of action survives	4	7	4.34		Stay of proceedings on transfer or transmission of interest
55		No abatement by death	4	7	4.35		Death has no effect on an action after evidence heard
56		Adding party after change of interest occurs	4	7	4.34		Stay of proceedings on transfer or transmission of interest
57		Death of plaintiff	4	7	4.34		Stay of proceedings on transfer or transmission of interest
58		Infant suing	2	2	2.11		Persons who must have a litigation representative
59		Infant defending	2	2	2.11		Persons who must have a litigation representative

OLD RULE			PROPOSED RULE				
Number		Title	Part	Div	Number		Title
60		Unsound mind	2	2	2.11	(c)	Persons who must have a litigation representative
61		Dependent adult	2	2	2.13		Automatic litigation representatives
62		Next friend	2	2	2.14		Self-appointed litigation representatives
62		Next friend	2	3	2.23		Assistance before the court
63		Court appointing guardian ad litem	2	2	2.15		Court appointment in absence of self-appointment
64		Duties of guardian ad litem	2	2	2.19		Court approval of settlement, discontinuance, and abandonment of actions
64		Duties of guardian ad litem	2	2	2.20		Money received by a litigation representative
65		Mode of taking evidence	5	1	5.17		People who can be questioned
66	(1)	Third party notice	3	3	3.44		When a 3rd party claim can be filed
66	(2)	Third party notice	3	3	3.45	(d)	Form of 3rd party claim
66	(2), (3)	Third party notice	3	3	3.45	(a),(b)	Form of 3rd party claim
66	(4)	Third party notice	3	3	3.45	(c)	Form of 3rd party claim
67		Service	3	3	3.45	(c)	Form of 3rd party claim
67		Service	3	3	3.49	(2)	3rd party statement of defence
68		Motion to set aside	3	3	3.47	(a)-(c)	3rd party defendant's options
68		Motion to set aside	3	3	3.48		Plaintiff's options
69		Fourth party	3	3	3.44		When a 3rd party claim can be filed
69		Fourth party	3	3	3.55		Application of rules to 3rd party claims
70		Service *ex juris*	3	3	3.45	(c)	Form of 3rd party claim
71		Time for defence	3	3	3.50		Demand for notice by 3rd party defendant
71		Time for defence	3	3	3.51		Effect of a demand for notice
71	(1)	Time for defence	3	3	3.47	(d)	3rd party defendant's options

OLD RULE			PROPOSED RULE				
Number		Title	Part	Div	Number		Title
71	(1)	Time for defence	3	3	3.49	(3)	3rd party statement of defence
71	(2)	Time for defence	3	3	3.49	(1)	3rd party statement of defence
71	(2.1)	Time for defence	3	3	3.54		Plaintiff's reply to 3rd party defence
71	(3), (4)	Time for defence	3	3	3.52		Consequences of not filing 3rd party statement of defence
72		Third party in default	3	3	3.55		Application of rules to 3rd party claims
73		Judgment by leave against third party	3	3	3.53		Judgment against 3rd party defendant
74		Judgment after trial against defendant, default by third party	3	3	3.53		Judgment against 3rd party defendant
75		Third party defending motion for directions	3	3	3.46		3rd party defendant becomes a party
75	(2)	Third party defending motion for directions	3	6	3.71		Separating claims
76		Order may be varied	9	3	9.15		Setting aside, varying and discharging judgments and orders
77		Claims against co-defendants	3	3	3.43		How to make a claim against co-defendants
77		Claims against co-defendants	3	3	3.49	(4)	3rd party statement of defence
79		Counterclaim	3	3	3.57		Contents of counterclaim
79		Counterclaim	3	3	3.60		Application of rules to counterclaims
80		Partnership	2	1	2.2		Actions by or against partners and partnerships
80		Partnership	2	1	2.4		Disclosure of partners
81	(1)	Person denying he is partner	2	1	2.3		Suing individual partners
81	(2)	Person denying he is partner	No Rule				N/A
82		Execution against firm	9	4	9.23		Enforcement against partners' and partnership property
83		Person using a firm name	2	1	2.5		Actions by and against sole proprietors

OLD RULE			PROPOSED RULE				
Number		Title	Part	Div	Number		Title
84		Delivery	3	3	3.31		Statement of defence
85		Time for defence or demand notice	3	3	3.31		Statement of defence
85		Time for defence or demand notice	3	3	3.34		Demand for notice by defendant
86	(1)	Time to answer pleading	3	3	3.33		Reply to a defence
86	(2)	Time to answer pleading	3	3	3.57		Contents of counterclaim
86	(3)	Time to answer pleading	3	3	3.60		Application of rules to counterclaims
87		Formal parts of pleadings	No Rule				Establishing a litigation plan
88		Name of solicitor or agent issuing	3	3	3.25		Contents of statement of claim
88		Name of solicitor or agent issuing	12	4	12.13		Requirements for all filed documents
89		Applies to all commencing documents	3	3	3.25		Contents of statement of claim
89		Applies to all commencing documents	12	4	12.13		Requirements for all filed documents
90		Name of party issuing defence	12	4	12.13		Requirements for all filed documents
91		No address or false address	11	6	11.28		Dispensing with service
92		Tender before action	12	3	12.6		Pleadings: general requirements
92		Tender before action	12	3	12.9		Defence of tender
93		Counterclaim or set-off	3	3	3.32		Additional options for defendant who files a defence
93	(1)	Counterclaim or set-off	3	3	3.49	(4)	3rd party statement of defence
93	(1)	Counterclaim or set-off	3	3	3.56		Right to counterclaim
93	(2)	Counterclaim or set-off	3	3	3.59		Claiming a set-off
93	(3)	Counterclaim or set-off	3	3	3.58		Status of counterclaim
93	(4)	Counterclaim or set-off	3	3	3.57		Contents of counterclaim

OLD RULE			PROPOSED RULE			
Number		Title	Part	Div	Number	Title
93	(5)	Counterclaim or set-off	3	3	3.33	Reply to a defence
94		Counterclaim against person not party	3	3	3.60	Application of rules to counterclaims
95		Counterclaim may be tried separately	3	3	3.60	Application of rules to counterclaims
96		Where action dismissed	3	3	3.58	Status of counterclaim
97		Judgment for balance	9	2	9.10	Judgment for balance on counterclaim
98		Counterclaim without defence	1	2	1.4	Procedural orders
98		Counterclaim without defence	3	6	3.72	Consolidation or separation of claims and actions
99		When issue may be joined	No Rule			N/A
100		Denial	12	3	12.12	Pleadings: denial of facts
101		Pleading after reply only with leave	3	4	3.67	Close of pleadings
102		Implied joinder after defence	3	3	3.33	Reply to a defence
103		When deemed closed	3	4	3.67	Close of pleadings
104		Summary of facts	3	3	3.25	Contents of statement of claim
104		Summary of facts	12	3	12.6	Pleadings: general requirements
105		Numbers	12	3	12.6	Pleadings: general requirements
106		Documents and conversations not to be quoted at length	No Rule			N/A
107		Presumption of law	No Rule			N/A
108		Denying condition precedent	12	3	12.6	Pleadings: general requirements
109		When specific pleading required	12	3	12.6	Pleadings: general requirements
110	(1), (2)	Matter arising after action started	12	3	12.8	Pleadings: other contents
110	(3)	Matter arising after action started	7	2	7.2	Application for judgment

OLD RULE		PROPOSED RULE			
Number	Title	Part	Div	Number	Title
111	Pleading in the alternative	12	3	12.8	Pleadings: other contents
112	Point of law	12	3	12.8	Pleadings: other contents
113	Malice or other mental state	12	3	12.6	Pleadings: general requirements
114	Alleging notice to person	No Rule			N/A
115	When particulars to be pleaded	12	3	12.6	Pleadings: general requirements
115	When particulars to be pleaded	12	3	12.7	Pleadings: other requirements
116	Particulars may be set out in separate document	No Rule			N/A
117	Further particulars	3	4	3.61	Request for particulars
118	Time for pleading after particulars	3	4	3.61	Request for particulars
119	Silence not an admission	12	3	12.12	Pleadings: denial of facts
120	Relief need not be claimed	12	3	12.6	Pleadings: general requirements
121	Different version to disprove case	12	3	12.6	Pleadings: general requirements
122	Incorporation	12	3	12.6	Pleadings: general requirements
122	Incorporation	12	3	12.12	Pleadings: denial of facts
123	Denial of contract	12	3	12.6	Pleadings : general requirements
124	Pleading to bills of exchange	12	3	12.6	Pleadings : general requirements
125	Money demands	12	3	12.6	Pleadings : general requirements
126	Denial must not be evasive	12	3	12.12	Pleadings: denial of facts
127	Executorship or trusteeship	12	3	12.6	Pleadings : general requirements
128	Costs where facts not admitted	10	2	10.31	Court considerations in making a costs award
129	Striking out or amending	3	3	3.30	Defendant's options

OLD RULE			PROPOSED RULE			
Number		Title	Part	Div	Number	Title
129		Striking out or amending	3	5	3.68	Court options to deal with significant deficiencies
129	(3)	Striking out or amending	3	4	3.61	Request for particulars
130	(1)-(3)(7)	Amending without leave	3	4	3.62	Amending a pleading
130	(1.1)-(1.2)	Amending without leave	3	6	3.74	Adding, removing or substituting parties after pleading close
130	(1.1)-(1.2)	Amending without leave	3	6	3.75	Adding, removing or substituting parties to an originating application
130	(5), (6)	Amending without leave	3	3	3.60	Application of rules to counterclaims
131		Time for disallowing amendment	3	4	3.64	Time limit for application to disallow amendment to a pleading
132		Court may allow amendment	3	4	3.62	Amending a pleading
132		Court may allow amendment	3	4	3.65	Consent of court to amendment after close of pleadings
133		Amendment of defect or error	No Rule			N/A
134		Time for amendment after order	3	4	3.65	Consent of court to amendment after close of pleadings
135		Amendment by consent	3	4	3.62	Amending a pleading
136		Method of amendment	3	4	3.63	Identifying amendments to pleadings
137		Endorsement of amendment	3	4	3.63	Identifying amendments to pleadings
138		Time for delivery	3	4	3.67	Close of pleadings
139		At trial	3	4	3.65	Consent of court to amendment after close of pleadings

OLD RULE			PROPOSED RULE				
Number		Title	Part	Div	Number		Title
140		Record	12	4	12.18		Amendments to records other than pleadings of affidavits
141		Costs	3	4	3.66		Costs
142		Enter final judgment or note in default	3	3	3.36		Judgment in default of defence and noting in default
142		Enter final judgment or note in default	3	3	3.37		Application for judgment against defendant noted in default
142	(3)	Enter final judgment or note in default	3	3	3.30		Defendant's options
143		Infant or person of unsound mind	3	3	3.36		Judgment in default of defence and noting in default
144		Defendant not entitled to further notice	3	3	3.37		Application for judgment against defendant noted in default
145		Filing proof of service	3	3	3.36		Judgment in default of defence and noting in default
146		Demand of notice entitles defendant to notice	3	3	3.34	(4), (5), (6)	Demand for notice by defendant
147		Defence struck out	3	3	3.36		Judgment in default of defence and noting in default
147		Defence struck out	3	3	3.37		Application for judgment against defendant noted in default
147		Defence struck out	3	5	3.68		Court options to deal with significant deficiencies
148		Liquidated demand	3	3	3.39		Judgment for debt or liquidated demand
149		Claim for recovery of goods or land	3	3	3.38		Judgment for recovery of property
150		Praecipe to note in default	3	3	3.36		Judgment in default of defence and noting in default

OLD RULE			PROPOSED RULE			
Number		Title	Part	Div	Number	Title
151		Execution or garnishee after counter-claim	No Rule			N/A
152		Remedy where noted in default	3	3	3.37	Application for judgment against defendant noted in default
153		Striking out defendants not served	No Rule			N/A
154		Some defendants served	3	3	3.40	Continuation of action following judgment
155		Application to counterclaim	3	3	3.58	Status of counterclaim
155	(b)	Application to counterclaim	3	3	3.60	Application of rules to counterclaims
156		Judgment on claim for damages	3	3	3.36	Judgment in default or defence and noting in default
157		Judgment in excess of claim	9	3	9.15	Setting aside, varying and discharging judgments and orders
158		Set aside judgment	9	3	9.15	Setting aside, varying and discharging judgments and orders
158.1		Application	7	3	7.5	Application for judgment by way of a summary trial
158.2		Reply	7	3	7.6	Response to the application
158.3		Judge alone	No Rule			N/A
158.4	(1), (2)	Discretion of judge	7	3	7.5	Application for judgment by way of a summary trial
158.4	(1), (2)	Discretion of judge	7	3	7.8	Objection to application for judgment by way of a summary trial
158.4	(3)	Discretion of judge	9	3	9.15	Setting aside, varying and discharging judgments and orders
158.5		Adducing evidence	No Rule			N/A
158.6		Decision	7	3	7.9	Decision after summary trial
158.6	(2)	Decision	7	3	7.11	Order for trial

OLD RULE			PROPOSED RULE				
Number		Title	Part	Div	Number		Title
158.7		Limitation on judge hearing both summary and full trial	7	3	7.10		Judge remains seized of action
159		When available	7	2	7.3		Application and decision
159	(4)	When available	1	2	1.4		Procedural orders
159	(4)	When Available	4	4	4.22		Considerations for a security for costs order
160		Without prejudice to proceed against others	7	2	7.4		Proceedings after summary judgment against a party
161		Motion for judgment in emergency	No Rule				N/A
162		Admissions of fact or documentary evidence	7	2	7.2		Application for judgment
163		Changing into motion for judgment	No Rule				N/A
164		Part applies to counterclaim	3	3	3.60		Application of rules to counterclaims
165		Not available where defence of tender before action	4	5	4.30		When this Division does not apply
166		Payment into court by defendant	No Rule				N/A
167		Acceptance by plaintiff	No Rule				N/A
168		Time limit for acceptance	No Rule				N/A
169	(1)	Defendant's offer of judgment	4	5	4.24	(1)	Formal offers to settle
169	(2)	Defendant's offer of judgment	4	5	4.25		Acceptance of formal offer to settle
169	(3)	Defendant's offer of judgment	4	5	4.24	(3), (4)	Formal offers to settle
170	(1)	Plaintiff's offer to settle	4	5	4.24	(1)	Formal offers to settle
170	(2), (3)	Plaintiff's offer to settle	4	5	4.25		Acceptance of formal offer to settle
170	(4)	Plaintiff's offer to settle	4	5	4.26		If costs are not dealt with in formal offer
170	(5)	Plaintiff's offer to settle	4	5	4.24	(3), (4)	Formal offers to settle

OLD RULE			PROPOSED RULE			
Number		Title	Part	Div	Number	Title
171		Offers made without prejudice	4	5	4.27	Status of formal offers and acceptance
172		Stay of proceedings on acceptance	No Rule			N/A
173		No knowledge of compromise to be before the court	4	5	4.28	Confidentiality of formal offers
174		Award of costs	4	5	4.26	If costs are not dealt with in formal offer
174		Award of costs	4	5	4.29	Costs consequences of formal offer to settle
175		Money paid into Court in trust	12	7	12.50	How money is paid into court
176		Litigants' accounts	12	7	12.52	Litigant's accounts
177		*Trustee Act*	12	7	12.53	Payments into court under the *Trustee Act*
178		Payments out from the Court	12	7	12.54	Payments out of court
179		Money received as tender on judicial sale	12	7	12.51	Tender on a judicial sale
180		Interest	12	7	12.55	Investments and payment earnings
181		Disposition of small accounts	12	7	12.56	Disposition of money in accounts
182		Money of person of unsound mind	2	2	2.20	Money received by a litigation representative
183		Investment of money	12	7	12.55	Investments and payment earnings
184		Request for investment	12	7	12.55	Investments and payment earnings
185		Intestate entitled to fund	12	7	12.54	Payments out of court
186		Definition of record	Appendix Definitions			record
186.1		When a record or question is relevant and material	5	1	5.2	When is something *relevant and material*?
186.1		When a record or question is relevant and material	Appendix Definitions			relevant and material
187	(1), (2), (6)	Affidavit of records must be filed	5	1	5.5	When an affidavit of records must be served

OLD RULE			PROPOSED RULE			
Number		Title	Part	Div	Number	Title
187	(3), (4), (7), (8), (9)	Affidavit of records must be filed			No Rule	N/A
187	(5)	Affidavit of records must be filed			No Rule	N/A
187.1	(2), (3)	Contents of affidavit of records	5	1	5.6	Form and content of affidavit of records
187.1	(1)	Contents of affidavit of records	5	1	5.9	Who makes an affidavit of records
188	(1), (2)	Records for inspection	5	1	5.6	Form and content of affidavit of records
188	(3)	Records for inspection	5	1	5.14	Inspection and copying records
188.1		Late filing of affidavit of records	5	1	5.3	Modification or waiver of this Part
188.1		Late filing of affidavit of records	12	2	12.5	Variation of time periods
189		Affidavit of records must precede discoveries	5	1	5.20	When questioning is to take place
189.1		Very long trial actions	4	2	4.14	Authority of the case management judge
189.1		Very long trial actions	5	1	5.3	Modification or waiver of this Part
190		Costs for failing to file affidavit of records	5	1	5.12	Penalty for not serving affidavit of records
190.1		Sanctions for failure to file affidavit of records	5	1	5.3	Modification or waiver of this Part
190.1		Sanctions for failure to file affidavit or records	5	1	5.12	Penalty for not serving affidavit of records
191		Failure to produce a record	5	1	5.13	Obtaining records from others
191		Failure to produce a record	5	1	5.14	Inspection and copying records
192	(1)-(3), (5), (6)	Admission of records in evidence	5	1	5.15	Admissions of authenticity of records
192	(4)	Admission of records in evidence	5	1	5.14	Inspection and copying records
192	(5)	Admission of records in evidence	10	2	10.31	Court considerations in making a costs award
193		Inspection of records	5	1	5.14	Inspection and copying records

OLD RULE			PROPOSED RULE			
Number		Title	Part	Div	Number	Title
194		Time and place for inspection	5	1	5.6	Form and content of affidavit of records
195		Order of inspection	5	1	5.14	Inspection and copying records
196	(1), (2)	Order for further and better affidavit	5	1	5.11	Order for a record to be produced
196	(3)	Order for further and better affidavit	6	1	6.12	Evidence at application hearings
197	(1)	Use of omitted records	5	1	5.16	Undisclosed records not to be used without permission
197	(2)	Use of omitted records	5	1	5.10	Subsequent disclosure of records
198		Production does not acknowledge admissibility of a record	5	1	5.2	When is something *relevant and material*?
198		Production does not acknowledge admissibility of a record	5	1	5.15	Admissions of authenticity of records
199		Impounding records	1	2	1.4	Procedural orders
200		Officers or employees of corporation	5	1	5.17	People who can be questioned
200		Officers and employees of corporation	5	1	5.18	Persons providing services to a corporation
200	(1)	Officers or employees of corporation	5	1	5.22	Questioning options
200	(1.2)	Officers and employees of corporation	5	1	5.25	Appropriate questions and objections
200	(2)	Officers and employees of corporation	5	1	5.19	Limit or cancellation of questioning
200	(5)	Officers and employees of corporation	6	2	6.24	Obtaining evidence outside Alberta
200.1		Selection of corporate representative	5	1	5.4	Appointment of corporate representatives

OLD RULE			PROPOSED RULE			
Number		Title	Part	Div	Number	Title
200.1		Selection of corporate representative	Appendix		Definitions	corporate representative
201		Member of firm	5	1	5.17	People who can be questioned
202		Chose in action or bill of exchange	5	1	5.17	People who can be questioned
203		Examination	5	1	5.20	When questioning is to take place
204		Appointment for examination	5	1	5.21	Appointment for questioning
204	(1)	Appointment for examination	6	1	6.17	Appointment for questioning under this Part
204	(3), (4)	Appointment for examination	6	1	6.18	Contents of appointment notice
204	(2), (5), (6)	Appointment for examination	6	1	6.19	Payment of allowance
204	(7)	Appointment for examination	6	1	6.20	Lawyer's responsibilities
205		Production of records at discovery	6	1	6.18	Contents of appointment notice
205		Production of records at discovery	6	5	6.40	Requiring attendance for questioning
206		Exhibits	5	1	5.26	Transcript of oral questioning
207		Further examination	5	1	5.25	Appropriate questions and objections
208		Further production of records	5	1	5.14	Inspection and copying records
209		Production of document	5	1	5.13	Obtaining records from others
209	(1.1)	Production of document	12	4	12.30	Certified copies of original records
210		Appeal from examiner	No Rule			N/A
211		Signing of deposition; objections	5	1	5.26	Transcript of oral questioning
212		Reporter	5	1	5.26	Transcript of oral questioning
212	(4)	Reporter	5	1	5.32	When information can be used
213	(1)	Court to decide validity	5	1	5.25	Appropriate questions and objections

OLD RULE			PROPOSED RULE				
Number		Title	Part	Div	Number		Title
213	(2)	Court to decide validity	No Rule				N/A
214	(1), (4)	Use at trial	5	1	5.31		Use of transcript and answers to written questions
214	(1)	Use at trial	5	1	5.32		When information can be used
214	(3)	Use at trial	8	4	8.14		Unavailable or unwilling witness
216		Special report by examiner	No Rule				N/A
216.1		Modification by the Court	5	1	5.3		Modification or waiver of this Part
217	(1), (3)	Order for examination	5	3	5.41		Medical examinations
217	(1), (3)	Order for examination	Appendix Definitions				medical examination
217	(2), (5)	Order for examination	5	3	5.43		Payment of costs of medical examinations
217	(5)	Order for examination	5	3	5.42		Options during medical examination
217	(4), (6)-(10)	Order for examination	5	3	5.44		Conduct of examination
217	(11)	Order for examination	Appendix Definitions				health care professional
218	(1) (2) (9) (10)	Court expert	6	6	6.42		Appointment of court experts
218	(3)-(5), (7)	Court expert	6	6	6.43		Instructions or questions to the court expert
218	(6)	Court expert	6	6	6.44		Application to question court expert
218	(8)	Court expert	6	6	6.45		Cost of court experts
218.1	(1)	Notice to adduce expert evidence	5	2	5.34		Service of expert report
218.1	(1)	Notice to adduce expert evidence	5	2	5.35	(1)	Sequence of exchange of expert reports
218.1	(2)-(4)	Notice to adduce expert evidence	5	2	5.39		Use of expert's report at trial without expert
218.11		Demand for expert's attendance	5	2	5.40		Expert's attendance at trial
218.12		Expert witness called in rebuttal	5	2	5.35	(2)	Sequence of exchange of expert reports
218.13		When expert may be called	5	2	5.40		Expert's attendance at trial

OLD RULE			PROPOSED RULE				
Number		Title	Part	Div	Number		Title
218.14		Objection to admissibility of report	5	2	5.36		Objection to expert's report
218.15		Costs	5	2	5.40	(3)	Expert's attendance at trial
218.16		Very long trials	No Rule				N/A
218.2		Application	No Rule				N/A
218.3		Expert evidence	Appendix Definitions				expert
218.4		Number of experts	8	4	8.16		Number of experts
218.5		Costs re unnecessary experts	8	4	8.16		Number of experts
218.5		Costs re unnecessary experts	10	2	10.31		Court considerations in making a costs award
218.6	(1), (2)	Experts Document	5	2	5.34		Service of expert report
218.6	(1), (2)	Experts Document	5	2	5.35	(1)	Sequence of exchange of expert reports
218.6	(3), (4)	Experts Document	5	2	5.36		Objection to expert's report
218.7		Costs re refusal to accept an expert	5	2	5.40	(3)	Expert's attendance at trial
218.8		Examination of experts	5	2	5.37		Questioning experts before trial
218.9		Agreement for purpose of trial	4	2	4.10		Assistance by the court
218.91	(1)	Expert in rebuttal	5	2	5.35	(2)	Sequence of exchange of expert reports
218.91	(2), (3)	Expert in rebuttal	10	2	10.31		Court considerations in making a costs award
219		Court may direct conference	4	2	4.10		Assistance by the court
219		Court may direct conference	8	2	8.5		Trial date: scheduled by the court
219.1		Very long trial action	4	2	4.10		Assistance by the court
220		May be heard before or at trial	7	1	7.1		Application to resolve particular questions or issues
221		Issue may be tried at or after trial	7	1	7.1		Application to resolve particular questions or issues
222		Issue not defined by pleadings	7	1	7.1		Application to resolve particular questions or issues
223		Court may postpone discovery	1	2	1.4		Procedural orders

OLD RULE			PROPOSED RULE			
Number		Title	Part	Div	Number	Title
224		Trial by different modes	7	1	7.1	Application to resolve particular questions or issues
225		Before entry for trial	4	8	4.36	Discontinuance of claim
225	(4)	Before entry for trial	4	8	4.37	Discontinuance of defence
226		Judgment for costs	4	8	4.36	Discontinuance of claim
227		Stay until costs paid	1	2	1.4	Procedural orders
229		Order of court	3	6	3.72	Consolidation or separation of claims and actions
230		Notice to admit	6	5	6.39	Notice to admit
230		Notice to admit	10	2	10.31	Court considerations in making a costs award
230.1		Written opinion	6	5	6.39	Notice to admit
231		Prima facie proof	6	5	6.39	Notice to admit
232		Stating questions of law	7	1	7.1	Application to resolve particular questions or issues
234		Judge without jury	8	1	8.1	Trial without a jury
235		Assessors	6	6	6.47	References to a referee
236		Certificate of readiness or praecipe	No Rule			N/A
237		Place of trial	3	1	3.3	Determining the appropriate judicial centre
237	(c)	Place of Trial	3	1	3.4	Claim for possession of land
237		Place of trial	3	1	3.6	Where an action is carried on
239		Record	12	3	12.6	Pleadings : general requirements
239		Record	12	3	12.7	Pleadings: other requirements
240		Notice to other party	8	2	8.6	Notice of trial date
241		Deposit for jury	8	1	8.3	Deposit for a jury
242		Trial lists	No Rule			N/A
243		Interpretation	4	6	4.31	Application to deal with delay

OLD RULE		PROPOSED RULE			
Number	Title	Part	Div	Number	Title
243.1	Agreement re operation of Part	4	6	4.32	Agreement about delay
243.2	Proposal as to timing	No Rule			N/A
244	Application to Court	4	6	4.31	Application to deal with delay
244.1	Five or more years	4	6	4.33	Dismissal for long delay
244.2	Cross action, counterclaim or set-off	1	2	1.4	Procedural orders
244.2	Cross action, counterclaim or set-off	3	3	3.58	Status of counterclaim
244.2	Cross action, counterclaim or set-off	4	6	4.33	Dismissal for long delay
244.3	Affidavits	12	4	12.19	Types of affidavits
244.4	Terms and directions	4	6	4.31	Application to deal with delay
244.5	Cross-examinations	6	1	6.9	Questioning a witness before a hearing
245	Nonappearance of defendant	8	4	8.11	Absence of witnesses at trial
246	Non-appearance of plaintiff	8	4	8.11	Absence of witnesses at trial
247	Exclusion of witness	8	4	8.12	Exclusion of witnesses
247	Exclusion of witness	8	4	8.13	No communication with excluded witnesses
248	Address to jury	8	4	8.10	Order of presentation
249	Omission to prove a fact or document	8	4	8.24	Accidents and mistakes
249	Omission to prove a fact or document	9	3	9.13	Re-opening a case
250	Assessing damages	9	2	9.9	Determining damages
251	Adjournment of trial	1	2	1.4	Procedural orders
252	View by jury	6	3	6.27	Preserving or protecting property or its value
252	View by jury	6	3	6.28	Inspection or examination of property
253	View by judge	6	3	6.27	Preserving or protecting property or its value

OLD RULE			PROPOSED RULE				
Number		Title	Part	Div	Number		Title
253		View by judge	6	3	6.28		Inspection or examination of property
254		Defamation character of plaintiff	8	4	8.17	(1)	Proving facts
254		Defamation character of plaintiff	12	3	12.6	(3)(s)	Pleadings: general requirements
254		Defamation character of plaintiff	12	3	12.7		Pleadings: other requirements
254		Defamation character of plaintiff	12	3	12.8		Pleadings: other contents
255		Vexatious or irrelevant questions	5	1	5.25		Appropriate questions and objections
255.1		Exceeding estimated time	5	1	5.25		Appropriate questions and objections
256		Judgment at or after trial	1	2	1.4		Procedural orders
257		Nonappearance - setting aside judgment	9	3	9.15		Setting aside, varying and discharging judgments and orders
258		Disagreement of jury	8	4	8.21		Retrials
259		Jury's answers conflicting	8	4	8.21		Retrials
260		Motion for dismissal at close of plaintiff's case	8	4	8.20		pplication for ismissal at close of plaintiff's case
261		Oral examination in court	8	4	8.17		Proving facts
261	(3)	Oral examination in court	3	2	3.14		Originating application evidence (other than judicial review)
261	(3)	Oral examination in court	6	1	6.10		How the court considers applications
261	(3)	Oral examination in court	6	1	6.12		Evidence at application hearings
261.1		Evidence by telephone, audio-visually or otherwise	8	4	8.18		Trial conducted by electronic hearings
262		Evidence in subsequent hearings	8	4	8.19		Use of trial evidence in subsequent proceedings
263		Read former evidence	6	1	6.12		Evidence at application hearings
263		Read former evidence	8	4	8.17		Proving facts

OLD RULE		PROPOSED RULE			
Number	Title	Part	Div	Number	Title
264	Copies of filed documents	12	4	12.30	Certified copies of original records
265	Certificate of money paid into bank	No Rule			N/A
266	Examination of witness by officer	3	2	3.13 (2), (3), (4), (5)	Questioning on an affidavit and questioning witnesses
266	Examination of witness by officer	3	2	3.21	Limit on questioning
266	Examination of witness by officer	6	1	6.9	Questioning a witness before a hearing
266	Examination of witness by officer	6	1	6.22	Form of questioning and transcript
267	Evidence on motion	3	2	3.21	Limit on questioning
267	Evidence on motion	6	1	6.9	Questioning a witness before a hearing
267	Evidence on motion	6	1	6.12	Evidence at application hearings
268	Examination as in trial	6	1	6.12	Evidence at application hearings
269	Order may be varied	9	3	9.15	Setting aside, varying and discharging judgments and orders
270	Commission	6	2	6.23	Preserving evidence for future use
271	Report of examiner	6	2	6.23	Preserving evidence for future use
272	Witness refusing to attend	1	2	1.4	Procedural orders
273	Notice of intention to take evidence	No Rule			N/A
274	Oath or affirmation	No Rule			N/A
275	Examination reduced into writing	6	1	6.22	Form of questioning and transcript
276	Interrogatories	No Rule			N/A
277	Interpreter	6	1	6.21	Interpreters
278	Copy of documents	6	1	6.22	Form of questioning and transcript
279	Shorthand	6	1	6.22	Form of questioning and transcript
280	Reporter	6	1	6.22	Form of questioning and transcript

OLD RULE			PROPOSED RULE			
Number		Title	Part	Div	Number	Title
280.1		Video recording	12	4	12.32	Video recordings in place of transcripts
281		Witness shall sign deposition	6	1	6.22	Form of questioning and transcript
281	(1)	Witness shall sign deposition	No Rule			N/A
282		Return of commission	6	2	6.25	Duties of persons authorized to take evidence and court clerk
283		Costs	No Rule			N/A
284		Objections	5	1	5.25	Appropriate questions and objections
285		Oath of commissioner	No Rule			N/A
286		Conduct money	6	1	6.19	Payment of allowance
287		Oath of witness	No Rule			N/A
288		Rules to be sent to examiner	6	2	6.25	Duties of persons authorized to take evidence and court clerk
289		Opening of commission	No Rule			N/A
290		Request in lieu	6	2	6.26	Assistance to judicial authorities outside Alberta
291		Form of commission	No Rule			N/A
292		Other party	8	3	8.8	Notice to attend as witness at trial
293		Witness	8	3	8.8	Notice to attend as witness at trial
294		Failure to attend	6	5	6.40	Requiring attendance for questioning
294		Failure to attend	8	3	8.9	Requiring attendance of witnesses
295		Conduct money	6	1	6.19	Payment of allowance
296		Order to produce prisoner	6	5	6.41	Order to produce prisoner
296.1		Notice of persons not to be called	8	4	8.15	Notice of persons not intended to be called as witnesses
296.1	(6)	Notice of persons not to be called	No Rule			N/A

OLD RULE		PROPOSED RULE				
Number	Title	Part	Div	Number		Title
297	Entitlement upon future event	6	2	6.23		Preserving evidence for future use
298	Formal contents	12	4	12.20		Requirements for affidavits
299	Execution	12	4	12.20		Requirements for affidavits
300	Date and place	12	4	12.20		Requirements for affidavits
301	More than one deponent	12	4	12.25		More than one individual swearing an affidavit
302	Blind or illiterate deponent	12	4	12.23		Affidavits by the visually impaired or those unable to read
303	Interpreter	12	4	12.24		Understanding an affidavit
304	Numbers	12	4	12.20		Requirements for affidavits
305	Facts and belief	3	2	3.8	(2)	Originating applications and associated evidence
305	Facts and belief	12	4	12.19		Types of affidavits
306	Irregularity of form	1	2	1.5		Rule contravention and non-compliance and irregularities
307	Striking out matters	3	5	3.68	(3)	Court options to deal with significant deficiencies
308	Alteration	12	4	12.21		Changes in affidavits
309	Officers empowered to swear	12	4	12.20		Requirements for affidavits
310	Filing and service	3	2	3.9		Service of originating application and evidence
310	Filing and service	6	1	6.3		Applications generally
310	Filing and service	6	1	6.12		Evidence at application hearings
311	Exhibits	12	4	12.22		Requirements for exhibits to an affidavit
311 (3)	Exhibits	12	4	12.13		Requirements for all filed documents
312	Filing of exhibits	12	4	12.22		Requirements for exhibits to an affidavit

OLD RULE			PROPOSED RULE				
Number		Title	Part	Div	Number		Title
313		Use after filing	6	1	6.12		Evidence at application hearings
313		Use after filing	12	4	12.26		Use of filed affidavits
314		Examinations on affidavit	3	2	3.13	(1), (3), (4), (5)	Questioning on an affidavit and questioning witnesses
314	(1)	Examinations on affidavit	5	1	5.17		People who can be questioned
314	(1)	Examinations on affidavit	6	1	6.8		Questioning on affidavits in support, response and reply to applications
314	(1), (2)	Examinations on affidavit	6	1	6.22		Form of questioning and transcript
314	(2)	Examinations on affidavit	6	1	6.8		Questioning on affidavits in support, response and reply to applications
314	(3)	Examinations on affidavit	6	1	6.22		Form of questioning and transcript
314.1		Time to file and serve	3	2	3.11		Service and filing of affidavits and other evidence in reply and response
314.1		Time to file and serve	6	1	6.7		Response and reply to applications
315		Numbered paragraphs	9	1	9.1		Form of judgments and orders
316		Application at any time	No Rule				N/A
317		Date and name of judge	9	1	9.1		Form of judgments and orders
318		Settled by Registrar or clerk	9	1	9.3		Dispute over content of judgment or order
319		Appointment to settle minutes	No Rule				N/A
320		Settling minutes	No Rule				N/A
321		Signing judgments and orders	9	1	9.4		Signing judgments and orders
322		Coming into force of orders and judgments	9	1	9.6		Effective date of judgments and orders

OLD RULE		PROPOSED RULE			
Number	Title	Part	Div	Number	Title
323	Approval of judgment or order re Court of Appeal	9	1	9.4	Signing judgments and orders
323.1	Approval of judgment or order re Court of Queen's Bench	9	1	9.4	Signing judgments and orders
324	Conditional upon affidavit	9	1	9.4	Signing judgments and orders
325	Signed pursuant to order	9	1	9.4	Signing judgments and orders
326	Filing	9	1	9.5	Entry of judgments and orders
326	Filing	9	1	9.7	Certified copies
327	After one year	9	1	9.5	Entry of judgments and orders
327	After one year	9	1	9.7	Certified copies
328	Judgment or order conditional	9	4	9.18	Judgments and orders subject to conditions
329	Judgment by agreement	3	3	3.35	Judgment or order by agreement
330	Further directions	9	3	9.14	Further or other order after entry
330	Further directions	9	3	9.16	By whom applications are to be decided
331	New Judgment	9	4	9.21	Application for new judgment or order
332	Account or inquiry directed	No Rule			N/A
333	Satisfaction	9	4	9.22	Application that judgment or order has been satisfied
334	Application after accounts etc. directed	No Rule			N/A
335	Application where issues ordered	7	1	7.1	Application to resolve particular questions or issues
336	Motion for judgment	No Rule			N/A
337	Inferences	8	4	8.23	Judgment after jury trial
338	Fiats	1	2	1.4	Procedural orders
339	Corrections	9	3	9.12	Correcting mistakes or errors
339	Corrections	9	3	9.16	By whom applications are to be decided

OLD RULE		PROPOSED RULE			
Number	Title	Part	Div	Number	Title
340	Definitions	Appendix Definitions			judgment
340	Definitions	Appendix Definitions			judgment creditor, judgment debtor
340.1	How to proceed	No Rule			N/A
341	Stay of judgment	No Rule			N/A
342	Enforcement	9	4	9.17	Enforcement: orders for payment, and judgments for payment into court
342	Enforcement	Appendix Definitions			judgment
343	Payment into Court	9	4	9.17	Enforcement: orders for payment, and judgments for payment into court
344	Minors, persons of unsound mind, classes	2	2	2.20	Money received by a litigation representative
345	Relief subject to conditions	9	4	9.18	Judgments and orders subject to conditions
346	Persons who are not parties	9	4	9.19	Persons who are not parties
347	Duration	9	4	9.20	Time a writ remains in force
348	Amount owing	No Rule			N/A
349	Changes of name	9	3	9.12	Correcting mistakes or errors
349.1	Clerical errors	9	3	9.12	Correcting mistakes or errors
350	Assignment	No Rule			N/A
351	Court order	9	3	9.12	Correcting mistakes or errors
351	Court order	9	3	9.14	Further or other order after entry
352	Separate writs	No Rule			N/A
353	Service of documents	No Rule			N/A
354	Service on civil enforcement agency	No Rule			N/A
355	Alternate method of service	No Rule			N/A
356	Definition	No Rule			N/A
357	Issuing of writs	No Rule			N/A
358	Endorsement	No Rule			N/A

OLD RULE		PROPOSED RULE			
Number	Title	Part	Div	Number	Title
359	Fraudulent preferences or fraudulent conveyances	9	4	9.24	Fraudulent preferences and fraudulent conveyances
360	Identification of debtor	No Rule			N/A
361	Recovery of land	9	4	9.25	Order of possession of land
362	Effect of writ	No Rule			N/A
363	Removal of goods	9	4	9.27	Removal, storage and sale of personal property
364	Writ of delivery	1	2	1.3	General authority of the court to provide remedies
365	Writ of sequestration	1	2	1.3	General authority of the court to provide remedies
366	Disobedience by corporation	1	2	1.3	General authority of the court to provide remedies
367	Carrying out directions of Court	1	2	1.3	General authority of the court to provide remedies
368	Definition	No Rule			N/A
369	Debtor to provide information	No Rule			N/A
370	Financial report of debtor	No Rule			N/A
371	Examination of debtor	No Rule			N/A
372	Matters subject to examination	No Rule			N/A
372.1	Examination of employees	No Rule			N/A
373	Examination of directors, officers and employees of a corporation	No Rule			N/A
374	Examination of transferee	No Rule			N/A
375	Person in possession of exigible property	No Rule			N/A

OLD RULE			PROPOSED RULE			
Number		Title	Part	Div	Number	Title
376		Examination of a non-party	9	4	9.29	Questioning a person to assist in enforcement
377		Enforcement of duties			No Rule	N/A
378		Costs			No Rule	N/A
379		Rules for discovery apply			No Rule	N/A
380		Definition			No Rule	N/A
381		Sale and disposal of personal property			No Rule	N/A
382		Duties of transfer agent			No Rule	N/A
383		Notice of seizure of securities			No Rule	N/A
383.1		Grace period			No Rule	N/A
384		Notice of motion	6	1	6.3	Applications generally
384	(3), (4)	Notice of motion	6	1	6.7	Response and reply to applications
385		Disposed in chambers	6	1	6.10	How the court considers applications
385.1		Application by conference telephone	6	1	6.10	How the court considers applications
385.1		Application by conference telephone	6	1	6.11	Electronic hearings
385.1	(3)	Application by conference telephone	6	1	6.11	Electronic hearings
385.1	(6), (8)	Application by conference telephone	3	1	3.6	Where an action is carried on
385.1	(9)	Application by conference telephone	6	1	6.11	Electronic hearings
385.2		Discretion re hearing other applications by conference telephone	6	1	6.11	Electronic hearings
386		Two days' notice	6	1	6.3	Applications generally
387		Ex parte order	9	3	9.15	Setting aside, varying and discharging judgments and orders
387	(1)	Ex parte order	6	1	6.4	Applications without notice
387	(1), (2)	Ex parte order	9	3	9.15	Setting aside, varying and discharging judgments and orders

OLD RULE			PROPOSED RULE				
Number		Title	Part	Div	Number		Title
387	(2)	Ex parte order	9	3	9.16		By whom applications are to be decided
387.1		Multi-party actions	No Rule				N/A
388		Adjournment for notice	6	1	6.13		If a person does not get notice of an application
389		Motion to rescind or vary order	9	3	9.15		Setting aside, varying and discharging judgments and orders
389		Motions to rescind or vary order	9	3	9.16		By whom applications are to be decided
390		Setting aside	9	3	9.15		Setting aside, varying and discharging judgments and orders
390	(1)	Setting aside	9	3	9.16		By whom applications are to be decided
391		Death of judge	12	1	12.1		When one judge may act in place of or replace another
392		Injunction	No Rule				N/A
393		Order to be carried out by officer of court	9	1	9.2		Preparation of judgments and orders
394		No procedure provided by an Act	3	1	3.2	(2)(e), (f)	How to start an action
395		Ex parte	3	1	3.2	(2)(e), (f)	How to start an action
403		Official referee	6	6	6.46		Persons who are referees
403		Official referee	Appendix Definitions				referee
404		Originating notice	3	1	3.2	(2)(b), (d)	How to start an action
405		Contents	3	2	3.8	(1)	Originating applications and associated evidence
406		Service	3	2	3.9		Service of originating application and evidence
407		Oral Evidence	3	2	3.14		Originating application evidence (other than judicial review)
408		Directions as to service	1	2	1.4		Procedural orders

OLD RULE		PROPOSED RULE				
Number	Title	Part	Div	Number		Title
408	Directions as to service	3	2	3.9		Service of originating application and evidence
408	Directions as to service	3	2	3.15	(1)-(4)	Originating application for judicial review
409	Summary judgment or order	3	2	3.12		Application of statement of claim rules to originating applications
409	Summary judgment or order	3	2	3.14		Originating application evidence (other than judicial review)
410	Proceedings begun by originating notice	3	1	3.2	(2)	How to start an action
411 to 417	Part 34, Administration and Similar Proceedings	No Rule				N/A
418 to 423	Part 35, Inquiries and Accounts	No Rule				N/A
424	Inquiry by referee	6	6	6.47		References to a referee
425	Conduct of proceedings	6	6	6.47		References to a referee
426	Report	6	6	6.48		Referee's report
427	Recovery of personal property	6	8	6.50		Application of this Division
428	Procedure	6	8	6.51		Application for replevin order
429	Description and value	6	8	6.52		Replevin order
430	Powers of court	6	8	6.51		Application for replevin order
430	Powers of court	6	8	6.52		Replevin order
431	Defendant may apply for relief	6	8	6.54		Respondent may apply for remedy
432	Bond	6	8	6.52		Replevin order
433	Condition of bond	6	8	6.52		Replevin order
434	Civil enforcement agency to retain property	6	8	6.53		Enforcement of replevin orders
435	Return order and statement	No Rule				N/A
436	Default judgment	3	3	3.36		Judgment in default or defence and noting in default

OLD RULE			PROPOSED RULE			
Number		Title	Part	Div	Number	Title
436		Default judgment	3	3	3.37	Application for judgment against defendant noted in default
437		Judgment or order	1	2	1.3	General authority of the court to provide remedies
438		Claim in statement of claim	1	2	1.3	General authority of the court to provide remedies
439		Power of Court	1	2	1.3	General authority of the court to provide remedies
440		Judgment or order	1	2	1.3	General authority of the court to provide remedies
440.1		Restraining orders	6	1	6.5	Restraining order application: interpersonal matter
441		Judgment or order	1	2	1.3	General authority of the court to provide remedies
442		Definitions	6	9	6.56	Definitions
443	(1), (7)	Application	6	9	6.57	Nature of application for interpleader order
443	(1), (5), (6)	Application	6	9	6.58	Application for interpleader order
443	(2)-(4)	Application	6	9	6.61	Civil enforcement agency applications
444		Title in dispute	6	9	6.59	Interpleader applicant not disentitled
445		Application by a defendant	6	9	6.58	Application for interpleader order
445		Application by a defendant	6	9	6.60	Interpleader order
446		Powers of Court	6	9	6.60	Interpleader order
447		Default by claimant	6	9	6.60	Interpleader order
455		Several claims combined	6	9	6.62	Several claims combined
456		Execution from different courts	6	9	6.63	Enforcement from different courts
457		Claims by third party	6	9	6.64	Claims by a 3rd person

OLD RULE			PROPOSED RULE			
Number		Title	Part	Div	Number	Title
458		Notice by civil enforcement agency	6	9	6.65	Notice by civil enforcement agency
459		Security interest	6	9	6.66	Security interest
460		Expeditious sale	6	9	6.67	Expeditious sale
460.1		Examination of debtor			No Rule	N/A
463		Bond	6	7	6.49	Court-appointed receiver
464		Passing accounts	6	7	6.49	Court-appointed receiver
467		Interim custody of property	6	3	6.27	Preserving or protecting property or its value
468	(a)	Detention and inspection	6	3	6.27	Preserving or protecting property or its value
468	(b)-(d)	Detention and inspection	6	3	6.28	Inspection or examination of property
469		Payment into Court	6	3	6.27	Preserving or protecting property or its value
470		Definitions			No Rule	N/A
471		Amounts outstanding			No Rule	N/A
472		Issuing of garnishee summons			No Rule	N/A
473		Service			No Rule	N/A
474		Duties of garnishee			No Rule	N/A
475		Grace period			No Rule	N/A
476		Employment earnings			No Rule	N/A
477		Service by enforcement creditor			No Rule	N/A
478		Money attached by prejudgment garnishee summons			No Rule	N/A
479		Renewal			No Rule	N/A
480		Change in amount outstanding			No Rule	N/A
481		Distribution of funds			No Rule	N/A
481.1		Proposal to pay out			No Rule	N/A
494		Stop order	6	3	6.29	Notice before disposing of anything held by the court

OLD RULE		PROPOSED RULE			
Number	Title	Part	Div	Number	Title
494.1	*Civil Enforcement Act*	9	6	9.37	Application of this Division
495	Power of court	9	6	9.37	Application of this Division
495	Power of court	9	6	9.38	Sale and disposition of land
496	Directions	9	6	9.37	Application of this Division
496	Directions	9	6	9.38	Sale and disposition of land
496	Directions	9	6	9.39	Terms, conditions and limitations on orders
497	Sale out of court	9	6	9.37	Application of this Division
497	Sale out of court	9	6	9.39	Terms, conditions and limitations on orders
498	Court approval	9	6	9.38	Sale and disposition of land
499	Appeal from chambers	6	6	6.48	Referee's report
500	Procedure	6	1	6.15	Appeal from a master's order
501 to 543	Part 39: Appeals to the Court of Appeal	Pending – See *Rules of Court Project*, Final Report No. 95, page 13.			
544	Month	12	2	12.4	Counting months and years
545	Holidays and Saturdays not included	No Rule			N/A
546	Clear days	12	2	12.3	Counting days
547	Time expiring on holiday	12	2	12.3	Counting days
548	Court may enlarge or abridge time	12	2	12.5	Variation of time periods
549	Time enlarged by consent	12	2	12.5	Variation of time periods
550	Service on holiday	No Rule			N/A
552	Computation of time during vacation	No Rule			N/A
553	Court vacations	No Rule			N/A
554	Change of solicitors	2	4	2.28	Change in lawyer of record or self-representation

OLD RULE			PROPOSED RULE				
Number		Title	Part	Div	Number		Title
554	(4)	Change of solicitors	2	4	2.32	(1)	Automatic termination of lawyer of record and resolving difficulties
554	(7)	Change of solicitors	No Rule				N/A
555	(1)-(3), (5)	Solicitor ceasing to act	2	4	2.29		Withdrawal of lawyer of record
555	(4)	Solicitor ceasing to act	2	4	2.30		Service after lawyer ceases to be lawyer of record
555	(6)	Solicitor ceasing to act	2	4	2.31		Withdrawal after trial date scheduled
555	(7)	Solicitor ceasing to act	No Rule				N/A
556		Service if no notice given	2	4	2.32	(2)-(5)	Automatic termination of lawyer of record and resolving difficulties
557	(1), (3)	Solicitor must declare action started by him	2	4	2.26		Verifying lawyer of record
557	(2)	Solicitor must declare action started by him	2	4	2.25		Duties of lawyer of record
558		Setting aside proceeding	1	2	1.5		Rule contravention and non-compliance and irregularities
559		Motion must be made promptly	1	2	1.5		Rule contravention and non-compliance and irregularities
560		Action improperly begun	3	1	3.2	(4)	How to start an action
561		Pleading not defeated by defect	1	2	1.5		Rule contravention and non-compliance and irregularities
561		Pleading not defeated by defect	3	5	3.68		Court options to deal with significant deficiencies
561.01		Forms	12	4	12.16		Deviations and changes to prescribed forms
561.1 to 578		Part 44, Alberta Divorce Rules	Pending – See *Rules of Court Project*, Final Report No. 95, page vi.				
578.1 to 578.3		Part 44.1, Protection Against Family Violence					

OLD RULE			PROPOSED RULE				
Number		Title	Part	Div	Number		Title
580.1 to 580.95		Part 44.2, Family Law Act Matters	Pending – See *Rules of Court Project*, Final Report No. 95, page vi.				
581 to 583		Part 45, Disposition of Infant's Property					
584		Procedure by Clerk or Sheriff	11	7	11.31		Procedure for service
585		Tariff or allowance	12	5	12.33		Fees and allowances
586	(1)	Payment	12	5	12.34		Uncertainty of amount of fees and allowances
586	(2.1)	Payment	12	5	12.35		Fee accounts
586.05		Fee exemption	12	5	12.36		Fee exemption
586.1		Legal aid	12	5	12.37		Fee waiver: legal aid
586.2		Restraining orders	12	5	12.38		Fee waiver: restraining orders
586.3		Family law actions	No Rule				N/A
587		Fees and interest	No Rule				N/A
588		Rendering of account	No Rule				N/A
589		Taxing of account	No Rule				N/A
593		Security for costs	4	4	4.22		Considerations for a security for costs order
594		Time for application	4	4	4.22		Considerations for a security for costs order
595		Refusal of order	4	4	4.22		Considerations for a security for costs order
596		Contents of order	4	4	4.23	(1)	Contents of security for costs order
597		Bond	4	4	4.23	(2)	Contents of security for costs order
598		Security may be varied	4	4	4.23	(4)	Contents of security for costs order
599		Payment out	4	4	4.23	(3)	Contents of security for costs order
599.1		Costs	10	4	10.47		Penalty for contravening the rules
600	(1)	Definitions	Appendix Definitions				costs award
600	(1)(a)	costs	Appendix Definitions				assessed costs
600	(1)(b)	taxing officer	Appendix Definitions				assessment officer
601		Awarding Costs	10	2	10.30		Costs in a class action
601		Awarding Costs	10	2	10.31		Court considerations in making a costs award

OLD RULE			PROPOSED RULE			
Number		Title	Part	Div	Number	Title
601	(2)	Awarding Costs	10	2	10.29	Court-ordered costs award
601	(4)	Awarding Costs	10	2	10.32	Court-ordered assessment of costs
601.1		Application of Schedule C	No Rule			N/A
602		Barrister liable	10	4	10.48	Costs imposed on lawyer
603		Infant or person of unsound mind	2	2	2.17	Lawyers appointed as litigation representatives
603		Infant or person of unsound mind	10	3	10.45	Liability of litigation representative for costs
604		Set-off	No Rule			N/A
605	(1)	Charges fixed by Schedule C	10	2	10.39	Assessment officer's decision
605	(4)	Charges fixed by Schedule C	10	2	10.39	Assessment officer's decision
605	(7), (8)	Charges fixed by Schedule C	10	2	10.40	Actions within Provincial Court jurisdiction
605	(9), (10)	Charges fixed by Schedule C	10	3	10.46	Recovery of goods and services tax
605		Charges fixed by Schedule C	Appendix Definitions			costs award
606		Damages must be stated	12	3	12.6	Pleadings : general requirements
607		Interlocutory proceedings	10	2	10.27	General rule for payment of litigation costs
608		Cost on appeal	No Rule			N/A
611		Costs where settlement	4	5	4.26	If costs are not dealt with in formal offer
611		Costs where settlement	10	2	10.27	General rule for payment of litigation costs
612		Conduct money	12	5	12.34	Uncertainty of amount of fees and allowances
613		Legal charges to be reasonable	10	1	10.1	Payment for lawyer's services

OLD RULE		PROPOSED RULE			
Number	Title	Part	Div	Number	Title
614	Subject to taxation	10	1	10.9	Reasonableness of retainer agreements and charges subject to review
615	Agreement about legal charges	10	1	10.5	Retainer agreements
616	Contents of contingency fee agreement	10	1	10.7	Contingency fee agreement requirements
617	Confidentiality of legal fee agreements	10	1	10.13	Retainer agreement confidentiality
618	Failure to comply with Rule 616	10	1	10.8	Lawyer's non-compliance with contingency fee agreement
619	Review by clerk or judge	10	1	10.10	Time limitation on reviewing retainer agreements
619	Review by clerk or judge	10	1	10.17	Review officer's decision
620	Void Provisions	10	1	10.6	Void provisions
621	Death of solicitor	10	1	10.22	Reviewing lawyer's charges: incomplete services and particular events
622	Costs of solicitor acting as trustee etc.	10	1	10.3	Lawyer acting in representative capacity
623	Costs payable out of trust funds	10	1	10.3	Lawyer acting in representative capacity
624	Payment in advance or security taken	10	1	10.1	Payment for lawyer's services
625	Charging property for fees	10	1	10.4	Charging order for payment of lawyer's charges
626	Action for costs due	10	1	10.19	Repayment of charges and action for payment of charges
626	Action for cost due	10	1	10.20	Action for payment of a lawyer's charges
628	Power of Taxing Officer	10	1	10.15	Review officer's authority
629	Disallowing costs	10	1	10.17	Review officer's decision
629	Disallowing costs	10	1	10.21	Costs of a review

OLD RULE		PROPOSED RULE			
Number	Title	Part	Div	Number	Title
629.1	Bill of costs consented to	10	2	10.34	Assessment of bill of costs
630	Appointment for taxation	10	1	10.11	Appointment for review
630	Appointment for taxation	10	2	10.34	Assessment of bill of costs
630	Appointment for taxation	10	2	10.35	Appointment for assessment
631	Service	10	1	10.11	Appointment for review
631	Service	10	2	10.35	Appointment for assessment
632	Failure to attend	10	1	10.14	Absence of person at appointment for review
632	Failure to attend	10	2	10.38	Absence of person served with notice of appointment for assessment
633	Fees or disbursements to be separate	10	1	10.2	Contents of lawyer's accounts
634	Reference to court by taxing officer	10	1	10.16	Reference to court
634	Reference to court by taxing officer	10	2	10.37	Reference to court
635	Excessive or improper costs	10	2	10.39	Assessment officer's decision
636	Certificate of taxing officer	10	2	10.17	Review officer's decision
636	Certificate of taxing officer	10	2	10.41	Certification of costs payable
637	Certificate is final	10	2	10.41	Certification of costs payable
638	Bill of costs must be produced	10	2	10.33	Preparation of bill of costs
639	Where party fails to appear	10	2	10.38	Absence of person served with notice of appointment for assessment
640	No taxation until after judgment entered	10	2	10.28	When a costs award may be made
640	No taxation until after judgment entered	10	2	10.34	Assessment of bill of costs
641	Set off or delay	10	2	10.29	Court-ordered costs award

OLD RULE			PROPOSED RULE			
Number		Title	Part	Div	Number	Title
641		Set off or delay	10	2	10.39	Assessment officer's decision
642		Affidavit of disbursements	10	1	10.2	Contents of lawyer's accounts
643		Definitions	10	2	10.26	Definition of "party"
643	(a)	client	Appendix Definitions			client
643	(b)	taxing officer	Appendix Definitions			review officer
643.1		Who may request taxation of costs	10	1	10.11	Appointment for review
644		Bill to be signed	10	1	10.2	Contents of lawyer's accounts
645	(1)	Statement of services rendered	10	1	10.2	Contents of lawyer's accounts
645	(2)	Statement of services rendered	10	1	10.15	Review officer's authority
645		Statement of services rendered	Appendix Definitions			lawyer's charges
646	(1)	Copy of retainer agreement	10	1	10.11	Appointment for review
646	(2)	Copy of retainer agreement	10	1	10.1	Payment for lawyer's services
647		Bills not subject to taxation	No Rule			N/A
648		Service on solicitor	10	1	10.11	Appointment for review
648	(1), (2)	Service on solicitor	10	1	10.12	Client obtained appointment: lawyer's responsibility
648	(3)	Service on solicitor	10	1	10.19	Repayment of charges and action for payment of charges
649		Order to deliver up documents	10	1	10.23	Order to return records
650		Proof of service of bill of costs	No Rule			N/A
651		Court may order payment on taxation	10	1	10.17	Review officer's decision
652		Not to be retaxed	10	1	10.15	Review officer's authority
652		Not to be retaxed	10	2	10.39	Assessment officer's decision
653		Title of applications	10	1	10.11	Appointment for review
654		Procedure	10	1	10.15	Review officer's authority

OLD RULE			PROPOSED RULE			
Number		Title	Part	Div	Number	Title
654		Procedure	10	2	10.36	Assessment officer's authority
655		Time for appeal and contents	10	1	10.24	Appeal to judge
655		Time for appeal and contents	10	2	10.42	Appeal to judge
656		Appeal confined to items specified	10	1	10.24	Appeal to judge
656		Appeal confined to items specified	10	2	10.42	Appeal to judge
657		Powers of court	10	1	10.25	Decision of the judge
657		Powers of court	10	2	10.43	Decision of the judge
657		Powers of court	10	3	10.46	Recovery of goods and services tax
658		Amendment of writ	No Rule			N/A
659		Application	No Rule			N/A
660		Modifications by Court	No Rule			N/A
661		Affidavit of records	No Rule			N/A
662		Limitation on examination for discovery	No Rule			N/A
663		Application for inspection or further affidavit	No Rule			N/A
664		Evidence by affidavit	No Rule			N/A
665		Pre-trial conference	No Rule			N/A
666		Statement of factual and legal theory	No Rule			N/A
667		Third Party proceedings	No Rule			N/A
668		Case management	No Rule			N/A
669		No motions without leave	No Rule			N/A
670		Unnecessary or ill founded motions and missed deadlines	No Rule			N/A
671		Appeal	No Rule			N/A
672		Order excluding Rule 236	No Rule			N/A
673		Orders made on application only	No Rule			N/A
683	(a)	foreclosure action	Appendix Definitions			foreclosure action

OLD RULE			PROPOSED RULE			
Number		Title	Part	Div	Number	Title
683	(b)	mortgaged property	Appendix Definitions			secured land
683	(b)	mortgaged property	Appendix Definitions			secured property
683	(c)	order for foreclosure	Appendix Definitions			foreclosure order
683	(d)	order nisi	Appendix Definitions			redemption order
684		General rules apply	3	1	3.1	Rules govern court actions
685		Notice of Address for Service	11	4	11.23	Notice of address for service in foreclosure actions
686	(1)	Service and notice	11	4	11.22	Additional service options in foreclosure actions
686	(2)	Service and notice	6	1	6.6	Notice of an application in foreclosure actions
686	(3)	Service and notice	6	1	6.6	Notice of an application in foreclosure actions
686	(3)(e), (f)	Service and notice	6	1	6.6	Notice of an application in foreclosure actions
686	(4)	Service and notice	6	1	6.6	Notice of an application in foreclosure actions
686	(5)	Service and Notice	11	6	11.28	Dispensing with service
686	(6)-(7)	Service and notice	3	3	3.41	When no defence is filed in a foreclosure action
687		Affidavit of value	9	5	9.30	When an affidavit of value must be filed
688		Subsequent encumbrancers	3	6	3.77	Subsequent encumbrancers not parties in a foreclosure action
689		Offering the mortgaged property for sale	9	5	9.32	Offer for sale of secured property
690		Sale to the plaintiff	9	5	9.33	Sale to the plaintiff
691		Order confirming sale	9	5	9.34	Order confirming sale
692		Evidence	9	5	9.31	Other material to be filed
693		Checking of calculations - taxing of costs	9	5	9.35	Checking calculations: assessment of costs and corrections
699		Exhibits	8	4	8.17	Proving facts

OLD RULE			PROPOSED RULE			
Number		Title	Part	Div	Number	Title
699		Exhibits	12	4	12.27	Exhibits: filing and return
699.1		Authenticated photographs of personal property	8	4	8.17	Proving facts
699.1		Authenticated photographs of personal property	12	4	12.31	Authenticated photographs of personal property
700		Printing & size	No Rule			N/A
701		No attachment or committal for civil contempt	No Rule			N/A
702		Declaration of court	10	4	10.49	Order to appear
702		Declaration of court	10	4	10.50	Declaration of civil contempt
703		Civil contempt	10	4	10.50	Declaration of civil contempt
703	(3)	Civil contempt	10	6	10.53	Inherent jurisdiction
704		Punishment	10	4	10.51	Punishment for civil contempt of court
704.1		Mental disorder	10	5	10.52	Mental disorder
705 to 710		Part 53, Sittings of Courts	No Rule			N/A
712		Personal attendance	12	6	12.42	Authority of court clerk
713		Absence of clerk of court	12	6	12.43	Absence of clerk of court
714		Clerk may appoint person	12	6	12.41	Court officers may delegate authority
715		Office in which action commenced	3	1	3.6	Where an action is carried on
716		Office proceedings carried on	3	1	3.6	Where an action is carried on
717		Issue of statement of claim	12	6	12.42	Authority of court clerk
718		Seal	12	6	12.44	Seal
719		Duties of clerk of court	12	6	12.45	Duties of court clerk
720		Process issuer	No Rule			N/A
721		Clerk in chambers	12	6	12.40	Court officers
721.1		Notice to be given	12	6	12.46	Notice to be given to court officers
723		Duties of Registrar	No Rule			N/A

OLD RULE		PROPOSED RULE			
Number	Title	Part	Div	Number	Title
724	Official court reporter	12	6	12.47	Court reporters
725	Copy of transcript	No Rule			N/A
726	Fees	No Rule			N/A
727	Dispute to be settled by court	No Rule			N/A
728	Powers of reporter on oral examination	12	6	12.47	Court reporters
729	Transcript as evidence	12	6	12.48	Proof of court reporter's signature not required
729.2	Filing of documents	12	6	12.42	Authority of court clerk
729.3	Use of telecopiers	No Rule			N/A
729.4	Validity of Copies	No Rule			N/A
729.5	Affidavits	No Rule			N/A
730	Ex parte application	No Rule			N/A
731	Originating notice	9	8	9.50	Originating application to register a judgment from a reciprocating jurisdiction
732	Affidavit	No Rule			N/A
733	Style of cause	No Rule			N/A
734	Service of notice of registration	9	8	9.51	Notice of registration
735	Setting aside	9	8	9.52	Originating application to set aside registration
736.1	Definitions	9	7	9.40	Definitions
736.2	Scope	9	7	9.41	Scope
736.3	Application to court	9	7	9.42	Application to court
736.4	Affidavit	9	7	9.43	Affidavit in support of application for an order to register a convention judgment
736.5	Service	9	7	9.44	When application can be filed without notice
736.6	Court order	9	7	9.45	Order to register convention judgment
736.7	Debtor's application to set aside	9	7	9.46	Convention judgment debtor's application to set aside
736.8	Creditor's appeal	9	7	9.47	Convention judgment creditor's appeal
736.9	Appeal when order is made on notice	9	7	9.48	Appeal when order is made on notice

OLD RULE			PROPOSED RULE				
Number		Title	Part	Div	Number		Title
736.10		Proceedings	9	7	9.49		Factors to be considered
737		General rules to apply	3	2	3.15	(1)-(4)	Originating application for judicial review
737		General rules to apply	3	1 & 2	3.1 and 3.11		Rules govern court actions Service and filing of affidavits and other evidence in reply and response
738		Order not writ shall issue	3	2	3.15	(1)-(4)	Originating application for judicial review
738		Order not writ shall issue	3	2	3.16		Originating application for judicial review: habeas corpus
739	(1), (2)	Service of notice of motion	3	2	3.15	(1)-(4)	Originating application for judicial review
739	(3)	Service of notice of motion	3	2	3.9		Service of originating application and evidence
739	(3), (4)	Service of notice of motion	3	2	3.15	(3),(4)	Originating application for judicial review
740		Appeal	No Rule				N/A
741		Direction by a judge	No Rule				N/A
753.01		"Person"	3	2	3.15	(1)-(4)	Originating application for judicial review
753.02		Application for judicial review	3	2	3.15	(1)-(4)	Originating application for judicial review
753.03		Commencement	3	1	3.2	(2)(c)	How to start an action
753.03		Commencement	3	2	3.15	(1)-(4)	Originating application for judicial review
753.04		Granting of relief	1	2	1.3		General authority of the court to provide remedies
753.04		Granting of relief	3	2	3.15	(1)-(4)	Originating application for judicial review
753.04	(2)	Granting of relief	3	2	3.22		Decisions on judicial review
753.04		Granting of relief	3	2	3.24		Additional remedies on judicial review
753.05		Setting aside	3	2	3.24		Additional remedies on judicial review

OLD RULE			PROPOSED RULE				
Number		Title	Part	Div	Number		Title
753.06		Reconsideration and determination	3	2	3.24		Additional remedies on judicial review
753.07		Technical defect	3	2	3.24		Additional remedies on judicial review
753.08		Originating notice	3	2	3.8	(1)	Originating applications and associated evidence
753.09		Service of application	3	2	3.15	(3),(4)	Originating application for judicial review
753.1		Parties	3	6	3.74		Adding, removing or substituting parties after pleading close
753.1		Parties	3	6	3.75		Adding, removing or substituting parties to an originating application
753.1	(1), (3)	Parties	3	2	3.14	(4)	Originating application evidence (other than judicial review)
753.1	(2)	Parties	3	2	3.17		Attorney General's right to be heard
753.1	(3)	Parties	2	1	2.10		Intervenor status
753.11		Limitation Period	3	2	3.15	(2)	Originating application for judicial review
753.12		Notice for return	3	2	3.18		Notice to obtain record of proceedings
753.13		Return of judgment	3	2	3.19		Sending in record of proceedings
753.13	(6)	Return of judgment	3	2	3.18		Notice to obtain record of proceedings
753.14		Return of record	3	2	3.20		Other circumstances when a record of proceedings may be required
753.15		Stay of decision	3	2	3.23		Stay of decision
753.16		Continuation of proceedings	3	1	3.2	(4)	How to start an action
753.16		Continuation of proceedings	3	2	3.12		Application of statement of claim rules to originating applications
753.17		Appeal	No Rule				N/A
753.18		Direction respecting order	No Rule				N/A

OLD RULE		PROPOSED RULE				
Number	Title	Part	Div	Number		Title
753.19	Application of general rules	3	1	3.1		Rules govern court actions
753.19	Application of general Rules	3	2	3.10		Application of Part 4 and Part 5 to originating applications
753.19	Application of general Rules	3	2	3.15	(1)-(4)	Originating application for judicial review
753.19	Application of general rules	3	2	3.21		Limit on questioning
754 to 812	Part 57, Rules and Orders Promulgated under the Winding-Up Act	No Rule				N/A
813	Court of Queen's Bench practice	3	1	3.2	(2)(b), (d)	How to start an action
814	Costs	3	1	3.2	(2)(b), (d)	How to start an action
815	Forms	3	1	3.2	(2)(b), (d)	How to start an action
964	Amendment of Rules	1	2	1.4		Procedural orders
964	Amendment of Rules	1	2	1.6		Changes to the rules information notes, and overview

ISSN 0317-1604
ISBN 1-896078-43-5